

Feedback, complaints and grievances

Introduction

This policy outlines You Connect's commitment to providing an effective mechanism for all stakeholders to express concerns or make complaints, and define the right and responsibilities of all parties during the complaint process. We want to ensure that work environments are harmonious and free from intimidation and harassment and aim to do this by promoting clear, honest and open communication ensuring any complaints that do arise are handled justly with the correct impartiality and sensitivity.

Applicability

When

- applies at all times.

Who

- applies to all You Connect employees, volunteers, clients and stakeholders.

Supporting Policy Directives

Individual responsibilities

All employees (including management) must:

- The CEO must:
 - provide leadership in demonstrating a commitment to the resolution of complaints
 - make and final decisions relating to complaints
- the Human Resources Manager must:
 - manage and monitor complaints handling
 - provide independent, impartial and confidential information to complainants about the procedure for dealing with complaints, including listening to issues and helping the person clarify facts
 - conduct internal reviews of complaints in both process and content
 - identify systemic issues arising from complaints and make recommendations to management
- managers and supervisors must:
 - exercise primary responsibility for receiving and resolving complaints/conflicts in their areas in a fair and timely way
 - advise people of their right to make a complaint where appropriate
 - provide advice and assistance to people who have a complaint

- Complainants and complaint respondents must:
 - provide a clear and honest account of their concerns and expectations for the outcome of their complaint, including providing all relevant information and documents to assist in the investigation and/or resolution of the matter
 - engage openly in the complaint handling process including participating in discussion with other parties to resolve the concerns
 - respond to You Connect requests for information in a timely manner
 - respect those individuals involved in the complaint handling process.

Complaint handling principles

Complaints and grievances are to be handled with the following principles:

- accessibility
 - the policy must be simple to understand for all employees to be able to receive and pass on complaints
 - complaints must be handled in a timely manner (taking into account the complexity and seriousness of issues) to ensure all parties have access to an appropriate resolution and opportunities or further concerns to arise are minimised
- natural justice and procedural fairness
 - ensure all parties to a complaint know what to expect during the complaint handling process
 - carry out the complaint handling process in a transparent manner
 - All parties must:
 - have equal opportunity to participate in the process
 - treat all parties in a respectful manner
 - provide reasons for decisions made
- equity
 - in managing any complaint received, You Connect will uphold any relevant legislation
 - no complainant will be disadvantaged through lodging a complaint in good faith, regardless of the outcome
 - complainants and respondents will be entitled to be assisted by a support person which may be a family member, friend, carer or other person (not being a solicitor, barrister or other legally trained person)
- confidentiality and recording
 - privacy and confidentiality of parties will be respected to the practical and appropriate extent, with acknowledgment that matters may be subjects to subpoena
 - the complaint handler will ensure that accurate records will be forwarded to human resources to be kept in a file separate to personnel files, including recording of reasons for all significant decisions
- resolution
 - where it is within You Connect's responsibility, fair and reasonable remedies will be offered where appropriate
 - operation of the complaints handling process and findings will be reported to the CEO to improve You Connect service delivery and workplace environment
- authority
 - individuals involved in handling complaints will have the necessary authority and management support to carry out the process effectively and will have appropriate access to the training and resources (e.g. mediation) to fulfil their role
- conflict of interest
 - individuals involved in the handling of a complaint, or investigating/adjudicating a complaint, must not act in any complaint in which they have a conflict of interests
- HACC complaints scheme
 - where a complaint regards You Connect disability services funded by the Commonwealth Government, complainants may also have the right to access the HACC complaints scheme.

Complaint handling procedure

The grievance procedure has four main stages, undertaken in order unless the nature of the grievance or wishes of the complainant determine otherwise. Progress to further stage happens only if resolution is not achieved and the complainant wishes to proceed with the internal grievance procedure. Complainants determine what action will be taken and may withdraw the grievance at any time, except in circumstances that pose a threat to health and safety of You Connect employees or circumstances that are potentially criminal in nature. The stages are:

Stage 1: Informal advice

- a person seeking information on an issue that may constitute discrimination/sexual harassment/bullying should obtain advice from an equity contact, their manager, or the Human Resources manager
- stage 1 is intended to provide complainants with the advice and knowledge necessary to deal with the situation personally - the following actions will only be pursued in appropriate circumstances and if the person seeking advice agrees and feels confident to move forwards.
- actions that can be taken include:
 - directly approaching the respondent, explaining the negative effect of their behaviour and asking them to stop
 - writing a confidential letter to the respondent setting out the negative effect of their behaviour and asking them to stop
 - requesting that the Human Resources Manager consider whether it would be appropriate to provide a general information session to a work team or group of students about the nature and effects of discrimination, sexual harassment or workplace bullying including information about relevant policies and codes.
- if no resolution occurs, complainants (in discussion with the human resources manager) may choose to:
 - not proceed
 - continue with the internal process and proceed to stage 2 (informal conciliation)
 - continue with the internal process but go straight to stage 3 (formal conciliation)
 - not continue with the internal procedures and take their grievance to an appropriate external agency.

Stage 2: Informal conciliation

- the complainant will be advised that the purpose of conciliation is to resolve the grievance, not to seek retribution
- there may be instances where the complainant does not wish to have their identity known, in this event:
 - the complainant may request that the conciliator approach the respondent of the Equal Opportunity Policy and other relevant policies and codes, and discuss the matter with them
 - no further action will be taken, but the situation will be monitored
- where the complainant agrees to make their identity known to the respondent:
 - they may request the conciliator approach the respondent on their behalf - the conciliator will convey the complainants concerns and reiterate the Equal Opportunity Policy and other relevant policies and codes without assessing the merits of the case, while also obtaining the respondent's version of events
 - the complainant may request that the conciliator arrange a meeting where the complainant and the respondent can attempt conciliation in the presence of the conciliator
 - further meetings will take place if necessary and by agreement of all parties
- if conciliation is achieved the conciliator may suggest appropriate follow-up actions in order to monitor the situation
- if no resolution occurs, the complainant (in discussion with the human resources manager).

Stage 3: Formal conciliation

- at this stage, the complainant must detail the nature of their grievance in writing
- investigation will not proceed unless the complainant consents to their identity being known to the respondent

- the conciliator will:
 - investigate the grievance acting at all times to make appropriate allowance for the rights and concerns of both the complainant and respondent in line with the principle of natural justice
 - inform the respondent of the allegation - intention and purpose of the conciliation process will be emphasised
 - consult with the respondent regarding their response to the grievance
- the respondent will be advised of the:
 - procedures in relation to grievance of discrimination/sexual harassment/bullying
 - possible implications of relevant state and federal legislation
 - availability of personal counselling
- if after investigation the grievance is not substantiated, the complainant and respondent will be advised that the matter cannot proceed
- if after investigation the grievance is substantiated, the complainant and respondent will be advised that the matter will proceed to conciliation
- during the formal stages of the procedure, the complainant and respondent may choose to be supported by another person
 - this person may be a friend, colleague or equity contact and must maintain strict confidentiality
 - this person should not be anyone who has a formal conciliation role under these procedures
 - as these are internal procedures aimed at conciliation, the support person should not be acting in a legal capacity
 - in the event the supporting person is acting in a legal capacity, You Connect reserve the right not to proceed further or to exercise general discretion as to how the matter should be dealt with which may involve departing from ordinary procedures
- in the event both parties agree to formal conciliation but believe that conciliation would be more likely with the appointment of an alternate counsellor, a request will be made to and considered by the human resources manager
 - the human resources manager will inform both parties of the outcome of this request
 - the human resources manager will appoint a conciliator who has expertise in the resolution of grievances
 - the appointed conciliator will provide a report to the human resources manager of the outcome
- if conciliation is achieved parties may agree to one of more actions, supported by You Connect as far as possible and appropriate
- if conciliation is not achieved, investigation has shown that the allegation is true on the basis of probability, and the human resources manager is satisfied that all reasonable avenues for conciliation have been explored but the complainant wishes to continue the grievance, then the matter must be referred to the CEO for formal determination
 - if conciliation is not achieved and the human resources manager believes that on the balance of probability the grievance has grounds to warrant disciplinary actions, then with the consent of the complainant the matter will be referred to the CEO requesting that disciplinary measures be invoked.

Stage 4: Formal determination

- In referring the matter to the CEO for formal determination, the human resources manager will make available all details of the grievance, the respondent's reply, investigation findings and actions undertaken in attempting conciliation
- in determining the outcome of the grievance the CEO may:
 - determine the matter based on documentation provided by the human resources manager
 - act upon the conciliator's recommendation to invoke disciplinary procedures.
- if the CEO determining the outcome of the grievance is satisfactorily resolved, subsequent monitoring may be delegated to the human resources manager

- if the CEO determines the grievance is substantiated, they must:
 - take action to protect the complainant from victimisation for lodging the grievance
 - take action to protect the respondent from victimisation
 - direct that the respondent undertake appropriate counselling
 - initiate disciplinary proceedings
 - take other action as deemed appropriate
- if after consideration the CEO believes that the grievance is not substantiated but has been made in good faith, then the matter will be closed - in this event, the CEO will act to ensure that the complainant and respondent are not subjected to victimisation or any retaliatory action
- in the event that the grievance is not resolved by You Connect to the satisfaction of the complainant, the complainant shall be advised that the matter can be taken to the appropriate external agency.

Employee rights

You Connect employees are entitled at all times to be treated with respect and courtesy when handling complaints. Where a person involved in a complaint behaves in a threatening, rude or harassing manner towards employees, the CEO may decline to further consider the complaint and instead institute proceedings for misconduct against the person under applicable rules or policies of You Connect or refer the matter to an external agency.

Declining complaints

You Connect may decline to deal with a complaint at any time if the CEO forms the view that the complaint is:

- frivolous
- vexatious
- not made in good faith
- misconceived
- lacking substance
- lacking currency, i.e. the content of the complaint occurred more than 60 months beforehand or has previously been dealt with by You Connect in the past
- lodged with an external agency and is more appropriately dealt with by that agency.

Complaint referral

- in general, You Connect will consult with complainants to identify how they wish their complaints are handled and what outcomes they are seeking without reference of the matter to a third party
- where the complaint amounts to serious misconduct (e.g. serious risk to employee health and safety), a criminal offence, or where mandatory reporting is legislated, You Connect has an obligation to deal with the matter under the relevant rules and refer the matter to the relevant agency for investigation
- complaints to the commissioner may be referred to other agencies or bodies if needed including:
 - non-compliance with the NDIS code of conduct
 - inappropriate use of restrictive practice
 - employee screening issues e.g. if an employee is found to have a criminal history.

Records

- accurate information of complaints received including decisions made, actions taken and eventual outcomes must be recorded and kept for 7 years from the date of the complaint, allowing us to:
 - enable reviews of received complaints
 - assist in identifying any systemic issues raised
 - allow a response to the commissioner if required
 - be stored securely and accessible only by the appropriate staff
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Time limits

The time limit set out in the You Connect complaints policy and processes must be complied with if reasonably practical. In exceptional circumstance where it is not possible for an action to be completed within the time limit, steps must be taken to ensure that the process is completed within a reasonable time. Under such circumstances, the complainant will be kept informed of any progress.

While employees must endeavour to comply with time limits, no action or determination made under the procedures is invalidated due to a time limit being exceeded. Any reference to days means working days: that is, days on which You Connect ordinarily opens for business unless otherwise stated.

Decision making

The overriding intent of the complaints policy and processes are to ensure that complaints are dealt with in a fair, impartial, timely and effective manner.

Where application of this would lead to a process or result that is inconsistent with the principles of natural justice or procedural fairness, or a different approach would lead to a timelier and more efficient resolution of a complaint, the delegated person handling the complaint may vary procedures to the extent necessary. In general, any decision to adopt procedures outside of those established in You Connect policy should be discussed with the CEO before implementation and communicated to the parties, including reasons for the decision.

Breach of this policy

Any breach of this policy could result in disciplinary action which may lead to the termination of employment.