

Complaints and Grievance Policy

Sustain-Ed Projects Limited (ABN 26 680 123 246). Registered charity with the Australian Charities and Not-for-profits Commission (ACNC).

Purpose and Scope

This policy provides guidance to SUSTAIN-ED PROJECTS LIMITED board members, directors and stakeholders in making, receiving and responding to complaints, grievances and other feedback.

Principles

- SUSTAIN-ED PROJECTS LIMITED welcomes complaints regarding all areas of the service including operations, management or not-for-profit organisation conduct.
- Any person or not-for-profit organisation involved with SUSTAIN-ED PROJECTS LIMITED, or those affected by its operations, have the right to give feedback or make a complaint without fear of retribution.
- SUSTAIN-ED PROJECTS LIMITED is committed to using the information gained in the complaints process to improve the not-for-profit organisation.
- SUSTAIN-ED PROJECTS LIMITED recognises that people need avenues to give feedback, including how to make a complaint to SUSTAIN-ED PROJECTS LIMITED, and are entitled to have their concerns addressed fairly, promptly and transparently.
- SUSTAIN-ED PROJECTS LIMITED understands this information may be sensitive and will respect the person's right to confidentiality and handle complaints in a fair and timely manner.
- SUSTAIN-ED PROJECTS LIMITED has industrial and legal responsibilities to take all reasonable steps to identify and resolve grievances in the workplace.

Outcomes

- An atmosphere is fostered in which complaints and independent monitoring are viewed positively.
- Resolution of complaints at a local level through alternative dispute resolution is encouraged.
- Each complaint is respected, taken seriously and acted upon.
- Responses to complaints and grievances are delivered in a consistent and timely manner.
- Conflict resolution is consistent across SUSTAIN-ED PROJECTS LIMITED, regardless of who is managing the process.
- Conflict is managed equitably and transparently and to the satisfaction of all parties, where possible.

Functions and Delegations

Position Delegation/Task

Board

- Respond to complaints and grievances relating to the Chair.
- Respond to higher-level or escalated complaints as required.
- Act as facilitators in resolving grievances.

Chair

- Respond to higher-level or escalated complaints as required.
- Attempt to resolve grievances informally in the first instance.
- Contribute to resolving grievances once a supervisor or other third party becomes involved.
- Maintain a record of grievances and related actions and decisions.
- Act as a facilitator to resolve complaints and grievances

Secretary

- Keep all records of complaints secure

All members

- Receive complaints and other feedback and respond appropriately.
- Make complaints and grievances when required.
- Contribute to resolving grievances once a supervisor or other third party becomes involved.

Policy Detail

5.1 Policy Detail

All attempts will be made to resolve complaints and appeals promptly and simply.

5.2 Service User Rights

Nobody who lodges a complaint or appeal against SUSTAIN-ED PROJECTS LIMITED, its members or Board will be penalised for their action, and they will continue to receive respectful service.

5.3 Communicating the Complaints and Grievance Policy

Information is available to members and stakeholders about how to make a complaint or an appeal. This information is available on the website and included in resources and publications as appropriate. Information to be included consists of:

- how to make a complaint or provide feedback to SUSTAIN-ED PROJECTS LIMITED;
- the complaints process, confidentiality, timelines and management of feedback;
- how people can access an advocate to support them during a complaint resolution; and

- the process for pursuing the complaint through an external body, such as the Health Care Complaints Commission, NSW Ombudsman or NSW Anti-Discrimination Board if a satisfactory resolution of the complaint cannot be reached. NSW Ombudsman: <https://www.ombo.nsw.gov.au/> (Online Form) <https://www.ombo.nsw.gov.au/Making-a-complaint/how-to-make-a-complaint/make-a-complaint-online> 1800 451 524 Level 24 580 George Street Sydney NSW 2000

NSW Anti-Discrimination Board <https://antidiscrimination.nsw.gov.au/> (Online Form) https://adnswform.resolve.hosting/prd?entitytype=Matter&layoutcode=WF_Matter Enquiry Locked Bag 5000, Parramatta NSW 2124 complaintsadb@justice.nsw.gov.au 1800 670 812

5.4 How SUSTAIN-ED PROJECTS LIMITED Receives Feedback

When feedback is received, members, Board members, and/or directors will:

- respond with respect, in a positive, non-defensive manner;
- courteously thank the person for providing feedback;
- acknowledge the impact of the issue on the person providing feedback;
- recognise reasonable expectations of clients; and
- clarify whether the feedback is an observation, suggestion for improvement, compliment or complaint.

5.4.1 Clarifying the Nature of Feedback

If there is uncertainty about the feedback being an observation or a complaint, questions may be asked to the person giving feedback, such as “Is this an issue we should consider as a complaint?” or “Would you like me to arrange for you to speak to the Chair about this?”

5.5 How SUSTAIN-ED PROJECTS LIMITED Receives Complaints

Anyone who wants to make a complaint, whether it is minor or serious should, if possible, first speak to a Director. Complaints can be accepted verbally or in writing by any board member of SUSTAIN-ED PROJECTS LIMITED.

5.6 Serious Complaints

If the matter is serious or complex, the Director will help the complainant complete a written statement (if this is required or requested). The Director will then immediately notify the Chair of the Board, who will convene an executive meeting to consider the matter as soon as possible. If the complaint involves the Chair, or the person is not satisfied with the Chair’s response, the Chair must inform the complainant of their right to speak to the Board and give them the relevant contact details. The complaint can be taken to any Board member, who must notify the Board as soon as possible. Any complaint that appears to indicate physical or sexual abuse, or other criminal activity, will involve reporting to external parties such as the NSW Police.

5.7 Initial Response to a Complaint

In responding to complaints, Board members should:

- acknowledge the concerns and experiences of the person making a complaint, particularly if the issue has caused distress or considerable inconvenience;
- attempt to resolve the complaint directly with the complainant - clarify the specific issue that the individual is complaining about and their desired outcomes. It may be necessary to contact the complainant to ask for more information;
- detail how the complaint will be investigated - provide clear timeframes and the contact details for an appropriate person who can be contacted by the complainant, if necessary; and
- consider the sensitive and/or confidential nature of a complaint and the privacy of the individual making the complaint. Board members should carefully consider what information is recorded and to whom within the not-for-profit organisation the information is communicated. When completing a Complaints Record Form, only record factual information that can be supported by evidence or note that the information is not yet substantiated. SUSTAIN-ED PROJECTS LIMITED aims to investigate and resolve all complaints within a month of receiving the complaint. If this timeframe cannot be met, the complainant will be informed of the reasons why and of the alternative timeframe for resolution.

5.8.1 Registering and Reporting

SUSTAIN-ED PROJECTS LIMITED keeps records of all complaints and appeals using complaint forms. The confidentiality of individuals is of the utmost importance and is maintained at all times. The complaints process will be regularly reviewed as part of the annual planning process so that SUSTAIN-ED PROJECTS LIMITED can make changes to its operations as appropriate to adequately meet the needs of members.

5.9 Taking Action on the Complaint

The Director should attempt to deal with simple matters directly and quickly. Depending on the nature of the complaint, one or more of the following actions may be appropriate:

- recording the information (if communicated verbally) and passing the information on to the Board;
- raising the information at a regular member and/or Board meeting;
- passing the complaint on to the Board to be dealt with by the Chair;
- recording the information in the not-for-profit organisation's file;
- making operational changes based on the content of the complaint; or
- including any complaints received in reports to the Board;

5.10 Keeping the complainant informed

Written communication will be sent to the complainant (or the complainant's nominee) within 5-7 working days of the complaint being received. The response details what is being done to investigate and resolve the complaint. The complainant or person appealing a decision will be informed of the progress of their complaint at all stages of the process, including how to appeal a decision if they are not satisfied with the outcome.

5.11 Complaint Resolution and Follow-Up

Following the resolution of a complaint, SUSTAIN-ED PROJECTS LIMITED will contact the complainant to assess whether the actions taken are adequate. If the matter is not resolved to their satisfaction they can take the matter to the NSW Community Services Commission. Breaches of the funding guidelines could be taken to the relevant funding body. The complaint register is regularly reviewed to inform service planning and continuous quality improvement.

5.12 Support for People Making a Complaint

Board members have the right to use an advocate of their choice to negotiate on their behalf with the management of SUSTAIN-ED PROJECTS LIMITED. For members, this may be a family member or friend, or a support person from another community organisation. The Chair is responsible for ensuring complainants are aware of the SUSTAIN-ED PROJECTS LIMITED appeals process and ensuring that complainants are directed to external agencies that can help them appeal.

5.13 Resources and Training

Other bodies that can hear some types of complaints include the Human Rights Commission, Fair Trading and the police. Written information about how to complain and appeal a decision will be available and presented in an accessible way. The Board member who is approached will also take time to clearly explain the procedure.

People will also be informed of how to access advocacy organisations or individual advocates to help them complain or make an appeal. Where possible, The Chair of SUSTAIN-ED PROJECTS LIMITED will attend the Community Services Commission Complaints handling workshops to be trained in how to deal with complaints and appeals. The Board will be regularly informed of the number of complaints and appeals, the issues complained or appealed about, the time taken to resolve and the outcomes of complaints and appeals.

5.15 Complaints Involving Board Members

Complaints concerning a Board member, or a member of a Board subcommittee should be referred to the Board Chair. The Chair, or an approved delegate, will attempt to resolve the issue to the satisfaction of the complainant. Where the Chair is the subject of a complaint, the complaint should be referred to another Board member. A response to the complaint may involve:

- investigating the complaint and providing the Board Chair or member of a Board subcommittee with an opportunity to respond to issues raised;
- if appropriate, attempt to mediate the dispute and/or otherwise resolve the matter to the satisfaction of the complainant;
- taking further action necessary to resolve the issue (e.g. external mediation and resolution services); or
- if appropriate, raise the complaint at a Board meeting to determine a suitable course of action to resolve the issue. Action taken arising from a complaint about a Board member will be taken in accordance with the Constitution.

5.16 Grievances

A grievance raised by Board members or directors is considered separate and independent from disciplinary processes undertaken to manage performance or conduct matters identified by the employer. If a grievance is raised during disciplinary or performance management processes, the grievance is to be addressed as per this policy and the disciplinary or performance management process continues independently.

5.16.1 Informal Grievance Resolution

In the first instance, a grievance should be resolved between the complainant(s) and the person(s) about whom the complaint rests. Where the grievance cannot be resolved between the two parties informally or the complainant does not feel able to approach the respondent or the respondent does not feel able to participate, a formal grievance resolution procedure is to be undertaken.

5.16.2 Formal Grievance Resolution

A complainant may make formal notification of a grievance by lodging details of it with the board member. Where the grievance is about a board member, the complainant should lodge the grievance with the Chair. If there is potential for a conflict of interest for the board member in managing the grievance, the Chair shall manage the grievance resolution procedure. The person who has received formal notification of a grievance shall acknowledge receipt of the grievance in writing within five working days. The person managing the grievance shall interview the complainant to clarify allegations and details, discover desired outcome(s) and advise of the process to be followed. After action has been taken to resolve the grievance and no further response is received from the complainant, the grievance is considered closed. Where a grievance remains unresolved, the person managing the grievance may seek a more senior board member or the SUSTAIN-ED PROJECTS LIMITED Board Chair to contribute to the resolution process. Additionally, external mediation may be undertaken in an attempt to resolve the dispute. The complainant and/or the respondent may request union or other representation during external mediation. The complainant and/or the respondent and/or SUSTAIN-ED PROJECTS LIMITED may seek help from a relevant industrial tribunal.

5.16.3 Withdrawing a Grievance Complaint

The complainant may withdraw the grievance complaint at any time through written notification.

5.16.4 Documentation

All details of a formal grievance are to be documented by the person managing the grievance.

6. References & Resources

Legislation

- Community Services (Complaints Reviews and Monitoring) Act 1993 (NSW)
- Associations Incorporation Act 2009 (NSW)
- Privacy Act 1988 (Cth)

- Relevant Industrial Award(s), i.e. the Social, Community, Home Care or Disability Services Industry Award 2010

Other References & Resources

- Health Care Complaints Commission: <http://www.hccc.nsw.gov.au/>
- NSW Ombudsman: <http://www.ombo.nsw.gov.au/>
- Conflict Resolution Network: www.crnhq.org
- NSW Anti-Discrimination Board: <http://www.antidiscrimination.lawlink.nsw.gov.au/>
- WorkCover Authority of NSW: www.workcover.nsw.gov.au
- NSW Industrial Relations website: www.industrialrelations.nsw.gov.au
- Mercy Community Services: Complaints Handling
[http://www.mercyservices.org.au/images/stories/PDFs/Policies_page/E/E.o8 Complaints.pdf](http://www.mercyservices.org.au/images/stories/PDFs/Policies_page/E/E.o8_Complaints.pdf) accessed 16th May, 2011.
- NADA Feedback and Complaints Policy; Grievance and Dispute Management Policy.
http://www.nada.org.au/index.php?option=com_content&task=view&id=236&Itemid=44