



# Complaint Handling Policy

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## PURPOSE

Mitcham Community House Inc. seeks to resolve disputes, grievances and complaints in a prompt, impartial and just manner.

## POLICY

Mitcham Community House Inc. acknowledges that any person who believes they have been adversely affected by House's operation or where an internal issue has arisen that has caused conflict, has the right to complain and have their grievance dealt with in a fair, accountable and transparent way.

Mitcham Community House Inc. encourages its members (including Committee members), staff, volunteers, House participants, stakeholders and the public to resolve issues or concerns that they may have with the House or between parties at the earliest opportunity.

This policy **does not** apply to disputes, grievances or complaints concerning

- employment matters
- between members of the Association, including Committee members
- between a member and a Committee member
- between a member and the Association

## Definitions

*Complaint* - a complaint in this context means a grievance that one person has against another person or group of people.

*Conflict resolution* - the resolution between parties undertaken in the spirit of reconsolidation.

*Mediation* - a facilitated process used to negotiate a resolution to a dispute or grievance

## Guidelines

1. Complainants have the right to have grievances resolved promptly, to have their privacy respected and to be kept informed of the progress of the complaint.
2. Complainants are entitled to be represented at all stages by an advocate of their choice and will be informed of this right when lodging a complaint.
3. Serious allegations will be addressed within 24 hours. If a serious complaint involves a Committee member, staff member or volunteer, that person shall not have contact with the complainant involved. If criminal conduct has been alleged the matter will be reported to the police.



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## Principles to be followed when dealing with complaints

All complaints need to be handled promptly and with transparency. The following principles must be adhered to in the complaint handling process:

1. **Confidentiality** - only those directly involved or handling the grievance will have access to information on the complaint.
2. **Respect for another's point of view** - each party involved should show respect for the other's right to disagree.
3. **Commitment to resolving the issue and willingness to compromise** - the parties involved should be willing to resolve the problem by being open to all proposals and suggestions and should be prepared to compromise.
4. **Impartiality** - all parties must be given the opportunity to present information directly related to the grievance. No decision or judgements will be made until all information has been carefully and impartially considered by those responsible for resolving the grievance.
5. **Compassion and respect** - all people involved in handling the complaint must be sensitive to the needs of those directly concerned and also to others who may be directly affected by the grievance.
6. **Prompt action** - all complaints must be dealt with promptly and time limits should be formally agreed to at all stages of the process.
7. **Freedom from persecution or unjust repercussions** - no form of persecution, harassment or discrimination will be tolerated as a consequence of a person making a complaint, or as a consequence of the outcome



# Complaint Handling Procedures

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1. Depending on the nature of the complaint, the aggrieved person is encouraged to raise their concerns directly with the person with whom they have the alleged grievance or if it is concerning the organisation or program of the organisation with the person in charge of the organisation or program, thereby giving that person the opportunity to resolve the issue.
2. If a mutually satisfactory resolution not be achieved, the complainant should personally contact the House Manager who will arrange a confidential initial meeting with both parties. If the complaint relates to the House Manager, the appropriate Committee member (the Committee/Staff Liaison Officer) will arrange a confidential initial meeting with the both parties.
3. If the issue is not resolved after the meeting with the House Manager or Committee member, the complainant may lodge a formal complaint. The complaint must be in writing and include a full description of the incident or events relating to the complaint, including the times, dates, person(s) involved and actions taken in an attempt to remedy the situation. Assistance to document the complaint will be provided to the complainant if necessary.
4. A meeting should be held with the two parties in the presence of a mediator. The mediator should be:
  - a person chosen by agreement between the parties, **or**
  - an independent person appointed by the House Manager/Committee member, **or**
  - a mediator employed by the Dispute Settlement Centre of Victoria.
5. The Committee should be briefed on the nature of the complaint, proposed actions and/or outcome of the complaint.
6. The outcome(s) of the mediation will be final and the Committee and staff will provide adequate support to all parties involved so that determinations of the grievance process are upheld.

## Responsibility

It will be the responsibility of the House Manager to ensure that any recommendations from the mediation process are carried out - for example, training or counselling.

The Committee will review any policy areas deemed relevant to the area of complaint to ensure that similar grievances are less likely to occur in the future.

## Complaints of Sexual Harrassment- additional steps to take:

- ascertain the complainant's preferred outcome, e.g. an apology, the behaviour to cease, a change in working arrangements
- agree on the next step: informal resolution or formal investigation
- keep confidential written documentation of all details of this discussion and subsequent steps in the process

*Informal investigation*

- inform the alleged harasser of the complaint and provide an opportunity to respond
- ensure both parties understand their rights and responsibilities under the organisation's policy
- if possible, mediate an outcome that is satisfactory for the complainant
- ensure that confidentiality is maintained
- follow up to ensure the behaviour does not re-occur

*Formal investigation*

If the formal investigation is requested by the complainant, or if an informal resolution fails a Working Group of the Committee of Management or the Full Committee of Management.

The Working Group of the Committee of Management or the Full Committee of Management will:

- afford natural justice to all involved
- interview all directly concerned, separately
- interview witnesses, separately
- keep records of the interview and investigation
- ensure confidentiality and minimise disclosure
- make a determination as to whether there is sufficient evidence that a reasonable person could conclude, on the balance of probabilities (i.e it's more likely to occur than not), that an incident/s of sexual harassment as defined by the legislation has occurred
- in such a case, determine appropriate action, which may include a change of duties for the harasser, changes to or of working arrangements or, where the incidents were frequent and/or severe, dismissal
- where it cannot be determined by the required test, that an incident/s of sexual harassment defined by the legislation has occurred, may still take action to ensure the proper functioning of the workplace; but these actions should not prejudice any party. They will also continue to closely monitor the situation and provide retraining where required
- check to ensure the action meets the needs of the complainant and organisation

Outcomes as they affect the complainant will be discussed with the complainant to ensure that needs are met, where appropriate.

#### **Related Documents**

- Recruitment, Employment and Professional Development Policy
- Association Rules for Mitcham Community House Incorporated A0001021
- Equal Opportunity Policy
- Inclusive Participation Policy
- Code of Conduct Policy
- Child Protection Policy
- Continuous Improvement Policy