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# Bendigo Regional YMCA – Complaints and Grievances Policy

ACF Standard 5.9

<b>Policy Number</b>		<b>Version</b>	<b>1</b>
<b>Drafted by</b>	JB	<b>Approved by CEO on</b>	29.03.2017
<b>Responsible Person</b>	CSM	<b>Scheduled Review date</b>	29.04.2018

## 1. OBJECTIVES

The objective of this policy is to ensure Bendigo Regional YMCA (BRYMCA) personnel understand how to receive and respond to complaints and grievances and the procedures to be followed in investigating complaints and grievances.

This policy does not address complaints relating to staff grievances and employment matters. The relevant awards provide information on the management of such issues together with the *BRYMCA Dispute Resolution Grievance Policy*.

## 2. SCOPE

This policy applies to the Approved Provider, Nominated Supervisor, Supervisors, Educators, staff, students on placement, volunteers, patrons/customers, children and others attending the programs and activities.

## 3. POLICY

BRYMCA is committed to:

- providing an environment of mutual respect and open communication, where the expression of opinions is encouraged
- ensuring all personnel, including volunteers and students, understand and adhere to the Safeguarding Children Young People Policy, Code of Conduct Policy, and Responding to Child Abuse and Allegations Policy
- complying with all legislative and statutory requirements
- dealing with disputes, complaints and complainants with fairness and equity
- establishing mechanisms to promote prompt, efficient and satisfactory resolution of complaints and grievances
- maintaining confidentiality at all times.

Complaints or grievances may be received from anyone who comes in contact with BRYMCA Services and Programs.

## 4. PROCEDURES

### **BRYMCA Supervisors are responsible for:**

- ensuring that the name and telephone number of the Supervisor to whom complaints and grievances may be addressed is displayed prominently at the service/centre
- ensuring that this policy is available for inspection at all times
- responding to all complaints and grievances in the most appropriate manner and at the earliest opportunity
- identifying, preventing and addressing potential concerns before they become formal complaints/grievances
- being aware of, and committed to, the principles of communicating and sharing information with service employees and volunteers
- treating all complainants fairly and equitably
- complying with the BRYMCA *Privacy Policy* and maintaining confidentiality at all times
- investigating and resolving grievances (refer to *Attachment 1 – Dealing with complaints and grievances*)
- Taking appropriate action as a result of grievances.
- Promptly notifying the CEO of any complaints/grievances which are unable to be resolved at Supervisor level

### **Personnel are responsible for:**

- responding to and resolving issues as they arise where practicable
- acknowledging receipt of a complaint/grievance within 24 hours
- maintaining professionalism and integrity at all times
- discussing minor complaints directly with the party involved as a first step towards resolution (the parties are encouraged to discuss the matter professionally and openly work together to achieve a desired outcome)
- dealing with situations in which an issue is unable to be resolved by:
  - Notifying Supervisor if the complaint escalates and becomes a grievance (refer to Definitions) or is unable to be resolved appropriately in a timely manner
  - Providing the complainant with the contact number of the Supervisor if they wish to speak with someone immediately
  - Informing the Supervisor as soon as practicable if a complaint has been referred to them
- working with the Supervisor as required and providing information requested by the Supervisor; for example, written reports related to the complaint/grievance
- complying with the BRYMCA Privacy policy and maintaining confidentiality at all times
- informing complainants of the service's Complaints and Grievances Policy
- complying with the service's Privacy and Confidentiality Policy and maintaining confidentiality at all times

### **Patrons/Customers are responsible for:**

- raising a complaint directly with the person involved, in an attempt to resolve the matter without recourse to the complaints and grievance procedures
- communicating (preferably in writing) any concerns relating to the management or operation of the service/centre/program as soon as is practicable.
- raising any unresolved issues or concerns directly with the appropriate Supervisor.
- maintaining complete confidentiality at all times
- co-operating with requests to meet with the BRYMCA and/or provide relevant information when requested in relation to complaints and grievances.

## 5. DEFINITION

The terms defined in this section relate specifically to this policy.

**Complaint:** (In relation to this policy) a complaint is defined as an issue of a minor nature that can be resolved promptly or within 24 hours, and does not require a detailed investigation. Complaints include an expression of displeasure, such as poor service, and any verbal or written complaint directly related to the service (including general and notifiable complaints).

Complaints do not include staff, industrial or employment matters, occupational health and safety matters (unless related to the safety of the children) and issues related to the legal business entity, such as the incorporated association or co-operative.

**Dispute resolution procedure:** The method used to resolve complaints, disputes or matters of concern through an agreed resolution process.

**General complaint:** A general complaint may address any aspect of the service e.g. a lost clothing item or the service's fees. The complaint must be dealt with as soon as is practicable to avoid escalation of the issue.

**Grievance:** A grievance is a formal statement of complaint that cannot be addressed immediately and involves matters of a more serious nature e.g. the service is in breach of a policy or the service did not meet the care expectations of a family.

**Mediator:** A person who mediates, especially one who reconciles differences between disputants.

**Mediation:** An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party.

**Personnel:** All BRYMCA Managers, Supervisors, Employees, Volunteers, Board Members and Consultants

**Supervisor:** The term to describe either a manager, supervisor, coordinator, team leader or person in charge

## 1. LEGISLATION AND STANDARDS

Relevant legislation and standards include but are not limited to:

- *Charter of Human Rights and Responsibilities Act 2006 (Vic)*, as amended 2011
- *Children, Youth and Families Act 2005 (Vic)*, as amended 2011
- *Children, Youth and Families Act 2005 (Vic)*, as amended 2012
- *Health Records Act 2001 (Vic)*, as amended 2011
- *Information Privacy Act 2000 (Vic)*, as amended 2011
- *Privacy Act 1988 (Cth)*
- *Privacy Regulations 2006 (Cth)*
- *Child Safe Standards*
- *BRYMCA Safeguarding Children and Young People Policy*
- *BRYMCA Code of Conduct*
- *BRYMCA Responding to Child Abuse Reports and Allegations Policy*

## ATTACHMENTS

Attachment 1: Dealing with complaints and grievances

Attachment 2: Complaints flow chart

## 6. ROLES AND RESPONSIBILITIES

Role/ Decision/ Action	Responsibility
Educators, Supervisors, Directors and Coordinators	<p>BRYMCA Nominated Supervisor and/or Service Management will oversee the implementation and service adherence to this policy (ie policy compliance).</p> <p>Nominated Supervisor and/or Person with Management and Control will seek individual community feedback and facilitate an active consultation process with service users as appropriate.</p> <p>All Educators are responsible for the daily implementation of the policy when directly supervising children.</p>
Community Services Manager	<p>Is responsible for ensuring suitable resources and support systems to enable compliance with this policy.</p> <p>Drive the consultation process and provide leadership and advice on the continuous improvement of the policy.</p>
CEO	Policy Approval

## **ATTACHMENT 1**

### **Dealing with complaints and grievances**

#### **DEALING WITH A COMPLAINT**

When a complaint is received, the person to whom the complaint is addressed will:

- inform the complainant of the service's *Complaints and Grievances Policy*
- encourage the complainant to resolve the complaint with the person directly, or to submit their complaint in writing
- comply with the service's *Privacy Policy* with regard to all meetings/discussions in relation to a complaint
- inform the appropriate Supervisor if the complaint escalates and becomes a grievance (refer to *Definitions*), or is unable to be resolved appropriately in a timely manner.

#### **DEALING WITH A GRIEVANCE**

When a formal complaint or grievance is lodged with the service:

- the staff member receiving the formal complaint or grievance will record all relevant details regarding the grievance and immediately inform the appropriate Supervisor
- acknowledge receipt of the complaint within 24 hours and advise that an investigation will be undertaken and the complainant will be notified of the outcome

#### **BRYMCA RESPONSIBILITIES AND PROCEDURES**

In the event of a grievance being lodged, the Supervisor will:

- convene as soon as possible to deal with the grievance in a timely manner
- disclose any conflict of interest. Such members must stand aside from the investigation and subsequent processes
- consider the nature and the details of the grievance
- identify which service policies (if any) the grievance involves
- maintain appropriate records of the information and data collected, including minutes of meetings, incident reports and copies of relevant documentation relating to the grievance
- respect the confidential nature of information relating to the grievance. The BRYMCA must handle any grievance in a discreet and professional manner
- store all written information relating to grievances securely and in compliance with the service's *Privacy Policy*.

## **INVESTIGATING THE GRIEVANCE AND GATHERING RELEVANT INFORMATION**

When investigating the grievance and gathering relevant information, the investigator will:

- meet with individual witnesses, and give right of reply to the person against whom the allegations are made in relation to any accusation or information relating to an alleged incident
- offer the complainant the opportunity of meeting with the investigator to discuss the complaint and provide additional information where relevant
- document the time, date and detail of meetings/discussions, and follow this up with a letter to the complainant outlining the information discussed
- review relevant information and documents
- obtain any other relevant information or documentation that will assist in resolving the grievance
- seek advice, where appropriate, from individuals and organisations that may be able to assist in resolving the grievance (any cost in seeking advice will require prior approval by the CEO).

## **FOLLOWING THE INVESTIGATION**

Once the investigation of the grievance is complete, BRYMCA will:

- endeavour to resolve the grievance by mutual agreement of the parties involved
- where appropriate, meet to discuss the information gathered and determine further action, including generating recommendations.
- report outcomes that may include relevant information gained in investigations and consultations and, where required, provide any recommendations for consideration by the Supervisor/CEO
- review the report and any recommendations and be responsible for making decisions on the action to be taken (if any), including relevant review mechanisms
- advise the complainant and other relevant parties of any decisions made by the BRYMCA in relation to the grievance
- follow up to ensure the parties involved are satisfied with the outcome and monitor progress on any actions taken by the BRYMCA

# COMPLAINTS POLICY FLOW CHART

