



Grievance & Complaints Management Policy and Procedures

STATEMENT OF INTENT

The Paraplegic and Quadriplegic Association of South Australia Incorporated (PQA) believes in the right of all employees, client, volunteers and associate to be treated equitably, with dignity and respect in all aspects of life.

PQA believe that every employee, client, volunteer and associate of the Association has the right to express personally, or through an Advocate, their complaint/grievance without fear of discrimination or reprisal.

Approved by:

Date: June 2011

The Paraplegic and Quadriplegic Association of SA Inc. is incorporated under the *Associations' Incorporations Act 1956-1965* and conduct its business through operating Divisions, namely PARAQUAD SA and HOMECARE PLUS.SCOPE

All complaints and grievances will be handled in a serious, sensitive, confidential and timely manner and discussed only with those persons relevant to the case or who can provide specialist advice.

There are separate policies that cover discipline, harassment and discrimination.

DEFINITIONS

Grievance – a wrong, real or imagined, considered grounds for complaint.

Complaint – A formal allegation normally made in writing that a person or persons have committed an offense or behaved in an offensive or inappropriate manner.

Advocate – Someone who defends and supports another person.

Equitable - free from bias, dishonesty, or injustice.

Person(s) – Employees, clients, volunteers and associates.

Complainants – a person(s) who lodges a complaint to a responsible person.

POLICY

All persons are free to lodge a grievance either verbally or in writing. They may do this either personally or through an advocate of their choice. Due to confidentiality, an advocate should not be a client or colleague of PQA or its service divisions. All persons lodging a complaint or grievance must be able to invoke the complaint/ grievance procedures without fear of discrimination or victimisation.

All persons are encouraged to raise their grievance directly with the person concerned in the first instance. If effectively handled, most grievances will not escalate to the level of a complaint.

Equity

The principles of equity must be followed in all aspects of complaints handling. Equity includes:

- Having flexible procedures to cater for the needs of the complainant.
- Treating all complaints seriously
- Treating complaints in confidence.
- Determining complaints as quickly as possible and keeping the complainant advised regularly of progress.
- Assessing the facts and circumstances of the situation objectively and determining the complaint fairly.

RESPONSIBILITY

It is the responsibility of PQA to communicate the contents of this policy to all staff and company clients on a regular basis.

Responsible persons:

- Supervisors
- Managers
- HR Manager
- Managing Director

The responsible person investigating the complaint/grievance must own the complaint/grievance. Ownership of the complaint means that the staff member is responsible for all aspects of managing that complaint in accordance with the procedures as set at below.

A responsible person must excuse themselves from the investigation if the complaint/grievance refers to themselves or they have a relationship or responsibility for the complainant (refer Conflict of Interest Policy)

PROCEDURE

Complaints/grievances will be dealt with having regard to the following procedures:

Grievances

All persons grievance will be treated in confidence:

- In the first instance all grievances should be resolved through conciliation and negotiation.
- The Human Resource Manager will be informed of the grievance, but will not become involved unless requested or should the grievance become a complaint.
- All details of the grievance and consequent conciliation need to be recorded on an Employee Record form, noting dates, names and the final outcome.
- All persons involved in the conciliation should sign off the Employee Record form when a satisfactory outcome is reached.
- The Employee Record form should be forwarded to the Human Resource Department to be filed in the employee's personal file.

Grievances that cannot be resolved and escalate to a complaint will be directed to a Responsible Person.

Complaints

All complaints will be in writing (refer Appendix A) and will be treated in the strictest confidence.

- Written complaints will be forwarded to the Human Resource Manager.
- Complaints will be recorded on the complaints register and will be retained for a period of 7 years. These records will be kept strictly confidential. Parties to the complaint will be allowed supervised access to the records.

The responsible person to whom the complaint is directed must commence investigation within ten working days of receiving the complaint.

Dealing with Complaints

- Investigate the complaint thoroughly; gather and consider all facts and circumstances necessary to objectively consider and resolve the complaint.
- Keep the complainant informed of your progress and of the likelihood of any delays. If requested, a target date maybe agreed, but only on the basis that it is a tentative date, and not a commitment
- Do not create false expectations;
- Keep the Manager, Human Resources fully informed of progress. Complaint's which are significant enough to have implications for the reputation of the organisation, should be referred to Management/General Manager for information and direction if required.
- Report your findings and proposed remedy to the Manager, Human Resources, it will be referred to the General Manager who has authority to approve the remedy.
- If the resolution includes disciplinary action of an employee, procedures are set out in the Associations Policy on Discipline and Termination of Employment, they must be adhered to.

After the proposed determination has been approved internally, confirm the determination with the complainant in writing. The confirmation must; (Refer Appendix B)

- advise of the determination of the complaint;
- give reasons for the determination;
- advise of the existence of further avenues of appeal (both internal and external) if the determination is not acceptable to the complainant;
- contain a specific disclaimer that no fault or liability is admitted;
- Where applicable, state that the remedy offered is subject to
- a formal release being provided(to be attached with letter); and

- be approved by the General Manager/Human Resource Manager as applicable
- Initiate the remedy and ensure it is followed through
- The complaint process can be taken as being completed:-
- immediately after a remedy has been provided; or –
- where no agreement is reached, or no remedy is provided, four weeks after formally responding to the complaint, provided that the complainant has not indicated dissatisfaction with the determination

Response Time

All complaints must be progressed as quickly and efficiently as practicable. Realistic targets for resolving complaints must be set having regard to the organisation's policies and procedures.

- Initial written response acknowledging receipt of the complaint within 2 working days. (Refer Appendix C)
- Set a realistic target for resolution of the complaint taking into consideration the length of time it will take to fully investigate the matter.
- A reasonable maximum time limit for complaint resolution is 15 working days or in exceptional circumstances, 1 month.

If a complaint cannot be responded to within 1 month, the complainant must be informed: - (Refer Appendix D)

- of the reasons for the delay;
- that further time is required to investigate the complaint; -
- if the complainant is not satisfied with the reasons for the delay, he or she may appeal to the General Manager, of the Association either directly or with the assistance of an Advocate.

One month after the complaint has been resolved the responsible person handling the complaint will contact the complainant to ensure they have suffered no negative responses or harassment as consequence of their complaint.

Appeals Process

If the complainant is not satisfied with the outcome of the investigation they have the right to appeal the decision. The appeal will be made to the General Manager or the Board of Management of the PQA.

- The appeal must be in writing
- It must be lodged within seven (7) days of the decision being delivered.
- The General Manager or the Board of Management within thirty (30) days of the appeal being lodged will consider the appeal.
- A written response will be given to the complainant.

In the case of the complainant remaining unsatisfied they may seek advice from the Office of Employment Advocate or the Department of Community Services and Indigenous Affairs (FaCSIA)

RELATED LEGISLATION

- South Australian Equal Opportunity Act 1984
- South Australian Occupational Health and Safety Act 1986
- South Australian Occupational Health and Safety Reg's 2010

SUPPORTING PQA DOCUMENTATION

- Confidentiality Policy
- Board member's Conflict of Interest
- Equal Opportunity Policy
- Occupational Health, Safety and Welfare Policy
- Discipline and Termination of Employment

BREACHES OF THIS POLICY

Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will PARAQUAD SA/HOMECARE PLUS accept such an argument.

DISTRIBUTION AND REVIEW

PARAQUAD SA/HOMECARE PLUS will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a bi-annual basis or when legislation or Government Policy determines.



Appendix A Complaint Form

The Paraplegic and Quadriplegic Association of South Australia Incorporated (PQA) is committed to providing opportunities for staff to resolve disputes or grievances. For details on the process, refer to the *Complaints Management Policy and Procedures*. This form is designed to assist you with lodging a formal grievance/complaint.

(Office Use Only): Complaint Number: -...

Complaint Date: - (Day/Month/Year)/...../..... Time:-am/pm

Name of Person Making the Complaint:-

Phone HmWk.....Mobile.....

Street Address:

Relationship between The Association and the person making the complaint

Eg Client; family member; client advocate.....

.....

Primary person/s named or involved in the complaint:

Name.....

Contact details.....

Relationship between PQA and the person/s named in the complaint

Eg Support Worker; Client Service Officer etc.....

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Other person/s named or involved in the complaint:

Name.....

Contact details.....

Relationship between PQA and the other person/s named in the complaint

Eg Support Worker; Client Service Officer etc.....

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Appendix B

[Date]

[Complainants name]

[Street Address]

[Suburb] [State] [Postcode]

Dear ,

Re: Complaint **[dated]**

The investigation into your complaint has been completed and the final determination is:

[determination]

The reason for this determination are/is as follows;

[reasons]

The Paraplegic and Quadriplegic Association of South Australia Incorporated (PQA) have acted in good faith based on the information provided. We feel that the determination is fair and equitable for all concerned.

If you feel that this determination is not fair and equitable please contact me **[name of responsible person]** on **[office number]**. There are other avenues of appeal available to you and I would be happy to discuss these with you further.

Yours sincerely

[Name of responsible person]

[Title]

Appendix C

[Date]

[Complainants name]

[Street Address]

[Suburb] [State] [Postcode]

Dear ,

Re: Complaint [dated]

We acknowledge receipt of your complaint dated **[date]**. You can be assured that the complaint will be handled in the strictest confidence by **[name of responsible person]**, who will call you in the next forty-eight (48) hours to discuss the complaint and obtain further information if it is deemed necessary.

It is understood that you seek resolution of this situation as soon as possible and we assure you that you will be kept informed of its progress and outcomes.

If you have any further queries in relation to the complaint or its progress please do not hesitate to call or contact **[name of responsible person], [office number]**

Yours sincerely

[Name of responsible person]

[Title]

Appendix D

[Date]

[Complainants name]

[Street Address]

[Suburb] [State] [Postcode]

Dear ,

Re: Complaint [dated]

Due to **[reason for delay]** we have been unable to respond to your complaint within a reasonable time. We seek your approval to allow an extension of time to the **[date]** in relation to the investigation of your complaint. I will call you in the next forty-eight (48) hours to further discuss this situation.

Should you feel that this delay is unreasonable you or your advocate can either contact the General Manager Mr James Kinghorn or me on 8355 3500.

We are seeking a fair and equitable outcome to this complaint.

Yours sincerely

[Name of responsible person]

[Title]