

**MEMBER, SERVICE USER AND STAKEHOLDER  
COMPLAINTS, GRIEVANCE AND DISPUTES HANDLING  
POLICY & PROCEDURES**

# **POLICY**

## **INTRODUCTION**

Hepatitis NSW (HNSW) requires a policy and procedures for members, service users and stakeholders to resolve complaints, grievances or disputes.

## **PURPOSE**

The purpose of this procedure is to allow informal and formal processes to enable members, service users and stakeholders of HNSW to bring a complaint, grievance or dispute to the attention of the organisation and to assist in the resolution of the complaint, grievance or dispute.

## **POLICY**

Hepatitis NSW welcomes feedback from members, services users and stakeholders regarding the delivery of services, and direction of HNSW. HNSW supports the rights of members, service users and stakeholders to complain if they believe they have not received appropriate service or responses and will endeavour to respond to all complaints fairly, sensitively, and swiftly.

Hepatitis NSW is committed to continuous quality improvement and recognises that complaints can contribute to this process.

Records are kept to enable review of individual cases, to identify trends and risk and report on aggregated complaint information.

This policy appears on the HNSW website.

## DEFINITIONS

Term	Definition
Complaint	<p>Refers to complaints, grievances and disputes involving employees, either individually or as a collective group.</p> <p>It does not include workplace bullying.</p>
Support person	<p>Any person nominated by the person making the complaint or the person the complaint has been made against <b>except</b> another HNSW employee, volunteer, Board member or legal representative.</p> <p>The role of the support person is as a witness or adviser and not as an advocate, and their presence is a safeguard against unfair practices.</p> <p>The support person cannot represent the person who has made the complaint or the person the complaint has been made against.</p>
Complainant	<p>The person making the complaint, or who has the dispute, or the person lodging the grievance.</p> <p>This terminology applies to an individual or group complaint, grievance or dispute.</p>
Respondent	<p>The person about whom the complaint or grievance is made, or whom the dispute is with.</p> <p>This terminology applies to an individual or group complaint, grievance or dispute.</p>
Employee	An individual employee or a collective group
Investigator	Refers to the person conducting the investigation into the complaint. This is generally the line manager of the staff member the complaint has been made against, except when the complaint is alleged misconduct, then the Managing Alleged Misconduct Policy and Procedure will be implemented

# PROCEDURES

## RESPONSIBILITIES

The Board nominates the Chief Executive Officer (CEO) to be responsible for ensuring that proper procedures for the development, consultation, acceptance, recording, and implementation of this policy are designed and adhered to.

## PROCEDURES

- Complaints can be made in writing, verbally, by phone, in person or by fax or email. A verbal complaint will be treated as seriously as a written complaint.
- Complainants will not receive any retribution nor will it impact on the provision of services to them because of making a complaint. To help ensure there is no effect and to ensure privacy for clients who make a complaint, no complaint notes will be recorded in a client's file, however service changes as a result of a complaint may be noted.
- Complaints will always be taken seriously, dealt with fairly, objectively and promptly in an unbiased way, and the complainant treated with respect.
- Complainants will have their complaints treated confidentially. Material gathered during the complaint process will be kept secure and information only provided to staff within the organisation who are responsible for resolving the complaint. No identified information will be discussed at meetings, in reports or with other staff.
- The complainant's permission will be obtained prior to information being provided to third parties who may need to be involved to resolve the complaint. The exception to this is where there are allegations or risk of significant harm to a child or young person, potentially criminal behaviour or reportable conduct in which case the complaint may be referred to an appropriate external agency without permission.
- All parties have the right to have a support person to support them at any or all stages of the complaint process.

## INFORMAL PROCEDURES

- Wherever possible, complaints are best resolved informally by the people involved.
- When possible the complainant should contact and discuss with the person the reason they have for the complaint.
- If the complainant does not feel comfortable discussing the matter with them, the complainant may ask to speak to their manager.
- If the complainant is unable to resolve the issue informally with the person involved or their manager, proceed to the formal procedures.

## FORMAL PROCEDURES

- When possible formal complaints should be in writing and addressed to the CEO.
- If the complaint is about the CEO the complaint should be in writing and addressed to the President.
- If the complainant is unable to make the complaint in writing, they can speak to any member of staff and make their complaint verbally. The staff member will

comprehensively record the conversation including all relevant details. This will be signed by the complainant and a copy will be given to them. The complaint must then be forwarded to the CEO.

- The CEO shall delegate to the line manager of the staff member to investigate the complaint.
- If the complaint is about the DCEO then the CEO will investigate the complaint.
- Staff should be advised that they have access to the Employee Assistance Program.

## **INVESTIGATION STEPS**

- The first step in investigating a complaint is to write to the person making the complaint (the complainant) acknowledging receipt of the complaint and setting out the course of action that will be followed, enclosing a copy of this procedure.
- The line manager will then contact the parties named in the complaint within 5 working days of receipt of the complaint. This can be by phone or in person at HNSW.
- The aim of this initial contact is to resolve the matter to the satisfaction of the complainant or failing that, to clarify the nature of the complaint, the parties involved and any investigation required to resolve the issue.
- It is important that the line manager asks the complainant what outcome they would like to see as a result of the complaint they have made.
- If the complaint is not resolved at this stage, a meeting to interview the parties shall be arranged within 5 working days on a date to be mutually agreed with the individual parties separately.
- Parties will be advised prior to the interview commencing that notes of the meeting will be taken and that they will be provided with a copy of these to sign within further 5 working days of the meeting taking place.
- The party can request changes to be made to this record prior to signing the document.
- All parties will be notified in writing within 5 working days of the decision made by the line manager, and the outcomes of the investigation, as approved by the CEO.
- If the decision and outcome of those individual meetings is satisfactory to all parties, the matter will be deemed to be resolved.
- If the complaint is resolved all parties will be provided with a written copy of the outcome of the meetings, resolution agreed upon and any action to be taken, within 10 working days of the resolution.
- If the matter is not resolved at this stage, it will be taken up at a specially called meeting of the HR&R Sub-Committee to enable the matter to be heard within 10 working days. The decision taken by the HR&R Sub-Committee at this stage will be the final decision of HNSW.
- The HR&R Sub-Committee will be provided with copies of all notes taken at all stages of the complaint process.
- All parties will be notified in writing within 5 working days of the decision made by the HR&R Sub-Committee

- If the person who made the complaint disagrees with the decision made by the HR&R Sub-Committee:
  - they are entitled to approach a Community Justice Centre for mediation in accordance with the Community Justice Centres Act, 1983.
  - the complainant can also make a complaint to the NSW Ombudsman.
  - and, if the complainant's matter relates to a counsellor at HNSW's 'Let's Talk' counselling program the complainant can take their complaint to the Health Care Complaints Commission.

## **RELATED DOCUMENTS**

- Risk Management Policy and Procedure
- Privacy Policy and Procedure
- Managing Alleged Misconduct Policy and Procedure

## **APPENDIX: INVESTIGATION GUIDELINES**

Confidential information obtained during the investigation of complaints will not be disclosed except for the purpose of the investigation or any action arising from the investigation, or for obtaining advice, when necessary, from the relevant union and/or a legal representative.

This is to protect the integrity of the process and the privacy rights of the person concerned.

Similarly, all witnesses, including the employee subject of the investigation, must be advised that they must maintain confidentiality and not discuss the matter except for the purposes of the investigation or to meet their personal health or support needs.

If any party at any time consider they are being victimised due to the complaint raised, they should inform the investigator (generally the line manager of the person the complaint is about), preferably in writing.

The alleged victimisation will be managed independently of the initial complaint and referred to the appropriate person, policy or agency, depending on the alleged victimisation.

### **WITHDRAWING A COMPLAINT**

The person making the complaint can withdraw the complaint at any time. There will be no consequences for the complainant if they decide to withdraw the complaint and the investigation will not proceed any further.

Any record of the complaint will be removed for the staff member's personnel file and destroyed within seven days of the complaint being withdrawn.

The person withdrawing the complaint will be informed that no further action will be taken and that records relating to the complaint will be destroyed within seven days.

Withdrawing the complaint does not impede them from raising the complaint again (or any future complaint) should they decide to but it is important that the person withdrawing the complaint is informed that if they decide to proceed with the complaint at a later date the process will commence from Step 1 of the informal or formal process depending on which process they nominate.

### **GENERAL CONDUCT OF INTERVIEWS (WITH THE CONSENT OF THE INTERVIEWEE)**

Not all investigations will require interviews to be conducted.

If it is necessary to conduct interviews all parties are to be informed that they can have a support person attend the interview with them. The interviewer will reiterate that the role of the support person is that of witness or advisor and not of advocate or legal representative, and that their presence is a safeguard against unfair practices.

The employee will be informed of their rights and provided with information about the investigation process and be advised about the purpose of the interview.

The employee will be advised that they will have an opportunity to fully respond to the questions asked and to provide comments with respect to relevant issues, which includes providing their understanding of the complaint in question.

Other people may have to be interviewed as part of the process. This may include potential witnesses. They will be advised at prior to the interview commencing that the information

they provide may be disclosed to the person the subject of the complaint and/or that their evidence may be included at any appeal or review, should a matter proceed to that stage.

Procedural information will be provided to ensure witnesses understand the implications of providing information to the investigator. A support person may be present.

Interviews will be conducted in private. The investigator must be fair, courteous and impartial.

Notes will be taken during the interview and a copy of these notes will be provided to the interviewee for review and signing.

## **COMMENCING AN INTERVIEW**

The investigator must:

- advise the parties that notes of the interview will be taken;
- advise the parties of the purpose of the interview;
- clarify the role of the support person;
- advise the support person that they can request a halt to the interview if they wish to speak privately to the person they are supporting;
- advise the parties that any admissions made may be used in the decision-making process; and
- advise the parties that they will have an opportunity to respond to the questions asked and to provide comments about relevant issues, including providing their version of events.

## **DURING THE INTERVIEW**

- The investigator must:
- clarify the allegation(s) to all parties and invite them to respond;
- clarify their response or any other matters relating to the allegation(s);
- avoid accusatory or intimidatory language or tone of voice;
- avoid making comments about the answer given;
- not indicate personal views or the views of other people; and
- ask the parties if there is anything else they wish to say.

## **CONCLUDING THE INTERVIEW**

- The investigator will not indicate that any view has been formed. The investigator must advise:
- that following the completion of the investigation a report will be prepared;
- a decision will be made on the facts and information gathered during the investigation;
- that the all parties will be advised in writing of the outcome of the investigation and any action/s to be taken;
- all parties will be advised of the options available to them if they disagree with the outcome of the investigation and/or action to be taken.

## **COLLECTION OF ADDITIONAL EVIDENCE**

Other sources of evidence may be sought if the investigator assesses that the investigation must rely on evidence other than witnesses.



These may include:

- documentary evidence such as photographs, e-mails and workplace records;
- site inspections; and
- expert evidence such as technical and forensic evidence.

