



# **PROJECT MANAGEMENT MANUAL**

## **SECTION GRIEVANCES & COMPLAINTS POLICY**

May 2016

## Grievances & Complaints Policy

### AIM

This policy aims to ensure that a clear, fair and consistent approach is implemented for resolving any formal complaints that are raised by Penabulu Foundation personnel as a consequence of any grievance that is experienced.

### RESPONSIBILITY

- All Penabulu Foundation's Board of Management
- All Penabulu Foundation's Manager
- All Penabulu Foundation's personnel
- Operation Manager

### APPLICATION

This policy applies to all Penabulu Foundation's employees, advisers, consultants, contractors etc

### OVERVIEW

It is Penabulu Foundation expectation that personnel are responsible for resolving grievances which may arise before they have an opportunity to escalate further and result in a formal complaint being made. However, where informal methods of resolving a grievance (eg: talking directly to the person involved) have been unsuccessful, or where due to the seriousness or nature of the issue/s an individual does not feel that they are able to deal with the matter/s directly, this policy should be implemented.

Penabulu Foundation expects that any formal complaints raised with the Foundation will be done so in good faith and without frivolous, malicious or vexatious intent.

All formal complaints raised with Penabulu Foundation will be treated fairly and confidentially in accordance with this policy. Efforts will be made to ensure that the relevant individual/s involved in the process are not victimised, coerced or intimidated as a result of raising the complaint, or as a consequence of participating in the complaint resolution process.

All action/s undertaken with respect to any formal complaints raised must be appropriately documented as specified in this policy.

### DEFINITIONS

- **Grievance:** An actual or supposed circumstance regarded as just cause for raising a complaint, and often refers to an act or behaviour that an individual perceives to be unfair, discriminatory, or unjustified. It can be any decision, situation, omission and/or problem related to the work environment or employment conditions that an individual

feels to be unfair (eg: alleged unfair treatment in the workplace, a difficulty in a working relationship between themselves and a colleague/Manager, a suspected unsafe working arrangement etc).

- **Complaint:** The formal consequence of any grievance/s that is/are experienced.
- **Complainant:** The person who has experienced the grievance and who has consequently raised a complaint.
- **Respondent:** The person about whom the grievance refers to and/or a complaint is raised against.

## **POLICY**

### **General Principles**

- All parties involved in the complaint resolution process are required to act in good faith and to take any necessary and appropriate action without undue delay.
- The raising of a complaint does not imply any fault or wrong doing on the part of any individual named in the complaint or otherwise involved. It also does not imply that the complaint will be found to be valid or justified.
- Where possible, discussions relating to the complaint should be undertaken between those individuals directly involved in the matter, and should be facilitated by the relevant manager and/or Operation Manager or nominee as specified in the procedural section of this document. If other parties are requested to participate in the resolution process, they are required to maintain confidentiality and to respect the privacy of all parties involved.
- Any investigation of the complaint should be undertaken in accordance with the principles of 'natural justice'. Specifically:
  - Process facilitators and/or decision-makers will remain impartial to the complaint and will act fairly and without bias;
  - The Complainant must provide specific details of the decision, situation, omission and/or problem that has given cause for raising the complaint;
  - The Respondent is entitled to be informed of the specific details of the decision, situation, omission and/or problem that is said to have given cause for the complaint, and be given sufficient time and opportunity to prepare a response; and
  - Decision-makers can only consider matters relevant to the specific complaint.
- Work should proceed as normal during the resolution process, without any prejudice to any party involved.

- Any Penabulu Foundation's person found to be victimising, harassing, discriminating or committing any other detrimental act or omission against any individual involved in the resolution process will be dealt with promptly.
- In certain serious circumstances the Complainant and/or the Respondent may be stood down on full pay for the duration of the complaint investigation. Any such action will be taken without prejudice to either party or the outcome.

## **PROCEDURE**

This policy describes a three (3) step process for resolving any complaints raised. However, under certain circumstances it may be appropriate for some of these steps to be overlooked or for an alternative procedure to be followed, without prejudice to the overall outcome.

### **Step 1: Talk to Immediate Manager**

- Where the Complainant has not been able to resolve the grievance directly with the Respondent, they should raise a formal complaint with their immediate Manager or nominee either orally or in writing.
- Where the complaint being raised involves the Complainant's Manager, the Complainant should then refer the matter to the person to whom their Manager is accountable or the Operation Manager/Representative or nominee.
- The Manager with whom the complaint is raised should attempt to resolve the complaint within 10 working days of receiving notification in accordance with the Penabulu Foundation's management responsibilities outlined in the above section.
- The Manager should promptly inform the Respondent of the allegations made against them and give them an opportunity to prepare/present a response.
- If the complaint is resolved, the Manager should monitor the situation regularly for at least three (3) months or as otherwise appropriate to the situation.

### **Step 2: Referral to the Executive Director**

- If the Complainant believes that the complaint has not been resolved to their satisfaction after undertaking Step 1, they should refer the matter to the Executive Director
- The Executive Director or nominee may require the Complainant to put details of the complaint in writing and may decide to involve another member of Penabulu Foundation's management team and/or engage the services of an external consultant to assist in the investigation and resolution process.

- Executive Director or nominee should attempt to resolve the complaint within 15 working days of receiving notification in accordance with the Penabulu Foundation's management responsibilities outlined in the above section.

### **Step 3: Referral to the Penabulu Foundation's Board of Trusty**

- If the Complainant believes that the complaint has not been resolved to their satisfaction after undertaking Step 2, they should refer the complaint in writing to the Chief of Penabulu Foundation's Board of Trustee
- After considering the details of the complaint the Chief of the Penabulu Foundation's Board of Trustee may seek to:
  - Resolve the matter directly;
  - Initiate an investigation of the matter by their delegate; and/or
  - Seek the assistance of an external consultant to assist with the resolution of the complaint.
- Any decision made by the Chief of Penabulu Foundation's Board of Trustee in accordance with this policy is final.

### **Documentation**

The Manager or nominee responsible for facilitating the complaint resolution process should maintain a written record of all undertakings, and include details of all agreed actions and outcomes.

### **Involvement of Other Parties as Representatives or Support**

- Penabulu Foundation expects that under normal circumstances complaints raised will be able to be resolved without the involvement of individuals from outside of the organisation. However, in the interests of fairness, if the involvement from an external consultant is required all parties need to be provided with sufficient notice of this (at least 48 hours). The Manager or nominee responsible for facilitating the complaint resolution process is responsible for determining whether the involvement of a third party is appropriate.
- Where a Complainant and/or Respondent request representation from a legal or quasi-legal advisor to assist with the resolution of a complaint, Penabulu Foundation requires that sufficient notice (at least 48 hours) is provided, accompanied by justification for why such representation is necessary. Penabulu Foundation retains the right to refuse such involvement by a third party where the situation is deemed to be an internal administrative process.

- The involvement of a colleague, friend, spouse/partner, family member or the like may occasionally be appropriate, depending on the circumstances of the complaint. The role of such a person should be limited to that of a support person<sup>1</sup>.
- Penabulu Foundation may involve the Operation Manager/Representative or nominee or an external Consultant at any time.

**Adopted and effective applied since**

**May 2. 2016**

Handwritten signature in blue ink, reading "Damayanti Behera".

**Chairman of Board of Trustee of Penabulu Foundation**

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