



Staff Complaint (SC) Policy and Procedure

Section	Management
Contact	GCC Manager
Last Review	June 2017
Next Review	June 2020
Approval	TBA
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Purpose:

This purpose of this document is to lay out the policy and processes associated with complaints laid by Glenfield Community Centre (“the Centre”) staff and volunteers.

General Principles:

The Centre’s policy and procedure will be:

Fair – This means that both the person complaining (“the complainant”) and the person being complained about (“the respondent”) should have the opportunity to present their version of events, provide supporting information and respond to any potential negative decisions. In addition, the person investigating and/or making decisions about the complaint should be impartial; that is, he or she should not favour the complainant or the respondent or prejudge the complaint in any way.

Confidential – This means that information about a complaint is only provided to those people who need to know about it, in order for the complaint to be actioned properly.

Transparent – The complaint process and the possible outcomes of the complaint should be clearly explained and those involved should be kept informed of the progress of the complaint and the reasons for any decisions.

Accessible – The complaint process should be easy to access and understand, and everyone should be able to participate equally. For example, an employee may require a language interpreter to understand and participate, or a person with a disability may need information provided in a specific format.

Efficient – The complaint process should be conducted without undue delay. As time passes, information relevant to the complaint may deteriorate or be lost, which will affect the fairness of the process. In addition, unresolved complaints can have a negative and ongoing impact on a workplace.

Principles in Action:

The Centre will demonstrate its General Principles by:

- Telling all staff and volunteers discrimination and harassment will not be tolerated
- Telling all staff and volunteers disciplinary action will be taken
- Telling all staff and volunteers it applies to behaviour towards other staff, volunteers, and customers
- Telling new staff and volunteers it is a condition of employment or retention
- Keeping a note of when all staff and volunteers are told
- Giving all staff and volunteers equal opportunity information brochures
- Advise all staff and volunteers to complain if discrimination or harassment happens
- Following the Centre's complaints procedure (see below)
- Advising all staff and volunteers of their right to complain to the Human Rights Commission (HRC) or to contact the HRC for advice at any time.

Additional Provisions:

The Centre's complaint process will also include provisions that:

- Protect employees from being victimised because they have made a complaint
- Protect employees from vexatious and malicious complaints
- Ensure appropriate confidential records are kept about complaints and that this information is stored and managed appropriately
- Complaints are clearly documented, easily understood, and accessible to all staff
- Offer options for resolving complaints, including formal and informal procedures
- Guarantee a fast, fair, and confidential process
- Are administered by trained people
- Step through the process with staff and volunteers so that they are familiar with the process

- Outline records to be kept
- Guarantee protection from being victimised for complaining
- Advise people where to get more help
- Are reviewed regularly for effectiveness

Staff need to know they have the right to make a formal complaint or approach the Human Rights Commission (<https://www.hrc.co.nz/your-rights/business-and-work/>) at any stage for more information, or to lodge a complaint.

Complaints may vary in severity, complexity, and whether any allegations are admitted or denied, so all staff and volunteers will be given the option of an informal or formal procedure.

Informal Complaints:

Informal procedures are for quick problem solving rather than investigating and substantiating claims. They seek agreement and shared understanding of how to avoid problems in the future.

Informal action is usually appropriate when:

- The staff member or volunteer complaining wants to do it informally
- The allegations are less serious
- There is a chance of quickly stopping the problem before it develops
- The staff or volunteers involved are likely to have an ongoing working relationship.

Informal ways of dealing with complaints include:

- You observe unacceptable behaviour and take action, even though no-one has complained
- The person complaining deals with it themselves, but may seek advice from a supervisor, Centre Manager, union representative, or a Human Rights Commission contact person
- The person complaining asks you to deal with it and you confidentially convey their concerns to the person being complained about without making any judgements, and re-state the Centre's policy
- You negotiate individually to reach agreement
- You bring the two sides together to mediate/conciliate, and the issue is resolved without investigation
- You organise general staff training and discussions to promote discrimination and harassment policies.

Some informal solutions can be reached without staff even knowing a complaint has been made.

Formal Complaints:

Formal procedures are for substantiating a complaint with evidence, or at least bringing the staff or volunteers involved together to try to reach a satisfactory outcome for all.

Formal action is usually appropriate when:

- The person complaining wants to do it formally
- Informal attempts have failed
- The allegations are serious (e.g. bullying, sexual harassment)
- Discipline is a possible outcome if the allegations are substantiated
- The allegations are denied and the person complaining wants to try to substantiate them
- The person complaining has been victimised for complaining
- The complaint is against a senior person and a formal procedure helps ensure the people involved are not disadvantaged

Formal ways of dealing with complaints include:

- Investigating the allegations
- Applying natural justice principles
- Finding whether the allegations happened or were likely to have happened
- Making a report and recommending an action
- Implementing an outcome

In a formal procedure, document every step to ensure consistency and fairness. The usual steps are:

- Interview the person complaining and document the allegations
- Inform the person being complained about of the details, and ask them to respond
- If the facts are disputed, seek more information including evidence from any witnesses
- Find whether the complaint has substance
- Report the process, the evidence, the finding, and recommend an outcome
- Implement the outcome or decide on other action

The staff involved can have support people with them at any interviews or meetings.

Be Impartial:

It is important for anyone investigating or mediating a complaint not to jump to any conclusions, but to hear both sides of the story. This means being fair to both people involved in a complaint throughout the investigation.

The person the complaint is against must be:

- Given all the information about the complaint, including the name of the person making the complaint
- Given the opportunity to present their side of the story
- Told of their right to seek support (from their union, for example)

Considering Evidence:

There are often no witnesses to discrimination and harassment. In dealing with a formal complaint, you may need to consider surrounding evidence such as:

- Supporting evidence from other staff, family, or medical professionals
- Reports of changes in behaviour or performance
- Requests for transfers, shift changes, or increased sick leave
- Complaints from other staff
- Records kept by the person complaining
- Consistency of the evidence presented by the people involved
- No evidence where logically it should exist

A formal complaint of discrimination or harassment should not be dismissed because no one saw or heard the incident.



Staff Complaints Procedure

The Glenfield Community Centre (“the Centre”) believes any discrimination, sexual harassment or victimisation problems involving staff or volunteers are best resolved internally with this complaints procedure.

Copies of this procedure can be obtained from the Centre Manager or via the policy section of the Centre’s website.

The Centre Manager is responsible for implementing and reviewing this procedure.

At any time, you have the right to contact the Human Rights Commission (HRC) for information or advice, or to lodge a complaint (contact details below).

If the Centre observes inappropriate behaviour, we will act to stop it to prevent a complaint.

The Centre commits to handling any complaints quickly, seriously and confidentially.

Confidentiality:

- Information about a complaint will only be given to people directly involved
- Everyone involved will be advised of the need for confidentiality
- Information will be kept securely and only on an employee's file if they are disciplined.

Fairness/Impartiality:

- Fair treatment for all is paramount
- The complaint will be handled fairly and in good faith by a trained person
- Any person complained about has the right to know the details of any allegations against them
- Both parties will have the opportunity to give their version of events
- No judgments will be made or action taken until all relevant information has been assessed
- Both sides are allowed support or representation
- All allegations will be investigated before a decision is made
- Complaints must be substantiated before any disciplinary action is taken.

Victim Protection:

- People involved in a complaint will be protected from being victimised
- Victimisation will be disciplined
- Anyone found making malicious or false complaints will be disciplined.

What to Do:

We encourage Staff to go through these options to resolve their complaint. At any time, you can make a written complaint to management or the Human Rights Commission:

Option 1—Self-help:

Try to resolve the problem yourself by talking to the person or people involved. You may find that their behaviour was unintentional and will stop if you ask.

Option 2—Seeking information:

Talk to a contact person if you:

- Are not sure how to handle the problem yourself
- Want to confidentially seek more information about what to do

Option 3—Asking Management to Act:

Talk to the Centre Manager or Governance if you:

- Think there is a chance of quickly stopping the problem before it develops
- Are likely to have an ongoing working relationship with the person you are complaining about
- Want them to talk confidentially to the person you are complaining about and convey your concerns
- Want them to bring you together with the other party to mediate/conciliate
- Want to discuss options and outcomes
- Need to protect others in the workplace.

Option 4 – Making a Written Complaint:

Make a written complaint to Management/Governance if:

- You have tried to resolve the problem and failed
- Your allegations are very serious
- Your allegations have been denied and you want to substantiate them
- You want the complaint investigated
- You have been victimised for complaining

- You are complaining against a senior person and an investigation will help to ensure you are not disadvantaged.

You will need to provide exact details and any evidence of your allegations that will lead to an investigation. You are allowed to have support people with you at any interviews or meetings.

Option 5—Asking for Help Elsewhere:

If the complaint has not been resolved internally with a satisfactory outcome for all, you can approach the Human Rights Commission (HRC), your union representative, or seek independent legal advice.

What a HRC Contact Person Will Do:

HRC contact people are employees who have been trained to provide confidential information and support to anyone who has a problem or thinks they may have a complaint.

A contact person can advise you on ways to resolve a problem, and where to go for more help.

A contact person will not investigate or resolve your complaint.

What Your Centre Manager Will Do:

Wherever practical, the Centre Manager can:

- Get an accurate report of your complaint
- Make no judgments
- Explain the complaint procedure
- Find out how you would like it handled
- Decide who is the appropriate person to handle the complaint or appoint someone to investigate
- Reassure you of your protection from victimisation
- Give you options on support or representation
- Immediately remove any offensive material
- Convey your concerns to the person you are complaining about and ask for their version of events
- Try to mediate/conciliate the parties to reach a satisfactory agreement for all
- Seek further information and interview any witnesses
- Find whether the complaint has substance
- Recommend an outcome including disciplinary action
- Consider staff education or training
- Monitor the situation.

How Complaints Are Resolved:

Agreement:

Complaints can be settlement by agreement between the people involved.

Not substantiated:

With insufficient evidence to decide if the allegations happened or were likely, no disciplinary action will be taken. The Centre may:

- Monitor the situation
- Consider staff education or training.

Disciplinary Action:

If there is found to be breach of Centre policy or the law, we may discipline those responsible.

If a complaint is found to have been false or malicious, we may discipline the person making the complaint. Untrue allegations could lead to legal action for defamation.

The level of discipline will depend on:

- The severity and frequency of the discrimination or harassment
- The weight of evidence
- Whether the behaviour was intentional or malicious
- Existence of any prior incidents or official warnings
- Whether there are any mitigating circumstances.

Discipline could involve:

- Counseling
- Apologising
- Warning
- Loss of promotion or wage increases for a period
- Demotion, transfer, suspension, probation
- Dismissal.

Anyone who is disciplined will have a record of the complaint and the outcome placed on his or her employee file.

Documentation:

Records, notes or reports will:

- Be kept confidential
- Not be kept on employee files unless there is disciplinary action
- Be filed in a confidential system with limited access.

Other Help:

Confidential support and information is available to all parties from contact people at any time during the complaint handling process, although a contact person cannot be involved in the complaint handling for either party.

At any time, anyone involved in a complaint can seek union or legal advice and bring representatives to any interviews or meetings.

At any time, you have the right to contact an external agency for advice or help.

Human Rights Commission:

Level 7, The AIG Building, 41 Shortland Street, Auckland
PO Box 6751, Wellesley Street, Auckland 1141

Info Line: 0800 496 877 (toll free)

Fax: 09 377 3593 (Attn: Info Line)

Email: infoline@hrc.co.nz (for general enquiries)

TXT: 0210 236 4253

Audience:

All GCC Governance, Executive, Staff, and Volunteers.

Legal compliance:

Privacy Act 1993

Human Rights Act 1993

Related procedures / documents:

Code of Conduct

Harassment Policy

Document Management Control:

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