

# COMPLAINTS AND GRIEVANCE POLICY

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# Complaints and Grievance Policy

## 1. Purpose and Scope

This policy provides guidance to Weave clients, carers, staff, board members, students and volunteers in making, receiving and responding to complaints, grievances and other feedback.

This policy applies to all Weave employees which includes Weave staff, board members, volunteers and contractors.

*Complaint* - A complaint is a concern, problem or statement that something is unsatisfactory or unacceptable about Weave's services, sites or staff which is raised by a client, community member or other stakeholder. It does not include a Grievance defined below.

*Grievance* - A grievance is a concern, problem or complaint raised by a Weave employee about their work, the workplace, or someone they work with, including the Management, Leadership Team or Board (for example, about their pay/benefits, bullying, or work conditions).

## 2. Principles

Weave welcomes complaints regarding all areas of the service including operations, management or employee conduct.

Any person or organisation involved with Weave, or those affected by its operations, have the right to give feedback or make a complaint without fear of retribution.

Weave is committed to using the information gained in the complaints process to improve the organisation.

Weave recognises that people need avenues to give feedback, including how to make a complaint to Weave, and are entitled to have their concerns addressed fairly, promptly and transparently.

Weave understands this information may be sensitive and will respect the person's right to confidentiality and handle complaints in a fair and timely manner.

Weave has industrial and legal responsibilities to take all reasonable steps to identify and resolve grievances in the workplace.

## 3. Outcomes

An atmosphere is fostered in which complaints and independent monitoring are viewed positively.

Resolution of complaints at a local level through alternative dispute resolution is encouraged.

Each complaint is respected, taken seriously and acted upon.

Responses to complaints and grievances are delivered in a consistent and timely manner.

Conflict resolution is consistent across Weave, regardless of who is managing the process.

Conflict is managed equitably and transparently and to the satisfaction of all parties, where possible.

## 4. Functions and Delegations

Position	Delegation/Task
Board	<ul style="list-style-type: none"> <li>● Respond to complaints and grievances relating to the CEO.</li> <li>● Respond to complaints and grievances relating to the Chairperson.</li> <li>● Respond to higher level or escalated complaints as required.</li> <li>● Act as facilitators in resolving grievances.</li> </ul>
CEO	<ul style="list-style-type: none"> <li>● Respond to higher level or escalated complaints as required.</li> <li>● Attempt to resolve grievances informally in the first instance.</li> <li>● Contribute to resolving grievances once a supervisor or other third party becomes involved.</li> <li>● Ensure that processes are in place to record complaints and grievances and related actions and decisions.</li> </ul>
Programs Lead	<ul style="list-style-type: none"> <li>● Respond to higher level or escalated complaints as required.</li> <li>● Attempt to resolve grievances informally in the first instance.</li> <li>● Contribute to resolving grievances once a supervisor or other third party becomes involved.</li> <li>● Maintain a record of grievances and related actions and decisions.</li> <li>● Maintain Complaints Register and keep all records of complaints secure.</li> <li>● Regularly review the Complaints Register to inform service planning and continuous quality improvement.</li> </ul>
HR Manager	<ul style="list-style-type: none"> <li>● Respond to higher level or escalated grievances as required.</li> <li>● Attempt to resolve grievances informally in the first instance.</li> <li>● Contribute to resolving grievances once a supervisor or other third party becomes involved.</li> <li>● Maintain a record of grievances and related actions and decisions.</li> </ul>
Program Managers	<ul style="list-style-type: none"> <li>● Act as facilitator to resolve complaints and grievances.</li> <li>● Maintain a record of grievances and related actions and decisions.</li> </ul>
All staff	<ul style="list-style-type: none"> <li>● Receive complaints (in accordance with this policy) and other feedback and respond appropriately.</li> <li>● Make complaints and express grievances when appropriate.</li> <li>● Contribute to resolving grievances once a supervisor or other third party becomes involved.</li> </ul>

## 5. Policy Detail

### 5.1 Policy Detail

All attempts will be made to resolve complaints and grievances and any appeals promptly and simply.

### 5.2 Service User Rights

Nobody who lodges a complaint or appeal against Weave, its staff or management will be penalised for their action and they will continue to receive respectful service.

### 5.3 Communicating the Complaints Policy

Information is available to clients and stakeholders about how to make a complaint or an appeal. A copy of this Policy and a complaints form is available on the Weave website in the Contact Us section.

Information to be included consists of:

- how to make a complaint or provide feedback to Weave;
- the complaints process, confidentiality, timelines and management of feedback;
- how people can access an advocate to support them during a complaint resolution; and
- the process for pursuing the complaint through an external body, such as the Health Care Complaints Commission, NSW Ombudsman or NSW Anti-Discrimination Board in the event that a satisfactory resolution of the complaint cannot be reached.

### 5.4 How Weave Receives Feedback

When feedback is received, staff, volunteers, students and/or Board members will:

- respond with respect, in a positive, non-defensive manner;
- courteously thank the person for providing feedback;
- acknowledge the impact of the issue on the person providing feedback;
- recognise reasonable expectations of clients; and
- clarify whether the feedback is an observation, suggestion for improvement, compliment or complaint.

#### 5.4.1 Clarifying the Nature of Feedback

If there is uncertainty about the feedback being an observation or a complaint, questions may be asked of the person giving feedback, such as *“is this an issue we should consider as a complaint?”* or *“would you like me to arrange for you to speak to the Programs Lead about this?”*

### 5.5 How Weave Receives Complaints

Anyone who wants to make a complaint, whether it is minor or serious should, if possible, first speak to the direct supervisor, Programs Leads or CEO.

Complaints can be accepted verbally or in writing by any staff, volunteer or board member of Weave.

## **5.6 Serious Complaints**

If the matter is very serious or complex, the Programs Lead will help the complainant complete a written statement (if this is required or requested). The Programs Lead will then immediately notify the CEO. If deemed appropriate, the CEO will notify the Chair of the Board, who will convene an executive meeting to consider the matter as soon as possible.

If the complaint involves the CEO or Program Leads, or the person is not satisfied with the CEO or Programs Leads response, the CEO or Programs Leads must inform the complainant of their right to speak to the Board and give them the relevant contact details. The complaint can be taken to any Board member, who must notify the Executive as soon as possible.

Any complaint that appears to indicate physical or sexual abuse, or other criminal activity, may involve reporting to external parties such as the NSW Police.

## **5.7 Initial Response to a Complaint**

In responding to complaints, staff and Board members should:

- acknowledge the concerns and experiences of the person making a complaint, particularly if the issue has caused distress or considerable inconvenience;
- attempt to resolve the complaint directly with the complainant - clarify the specific issue that the individual is complaining about and their desired outcomes. It may be necessary to contact the complainant to ask for more information;
- detail how the complaint will be investigated - provide clear timeframes and contact details for an appropriate person who can be contacted by the complainant, if necessary; and
- consider the sensitive and/or confidential nature of a complaint and the privacy of the individual making the complaint. Staff should carefully consider what information is recorded and to whom within the organisation the information is communicated. When completing a Complaints Form, only record factual information that can be supported by evidence or note that the information is not yet substantiated.

Weave aims to investigate and resolve all complaints within a month of receiving the complaint. If this timeframe cannot be met, the complainant will be informed of the reasons why and of the alternative timeframe for resolution.

## **5.8 Dispute Resolution**

Where the complaint appears to be referring to a conflict between two people, it may be appropriate to use the organisation's Dispute Resolution Procedure.

### **5.8.1 Registering and Reporting**

Weave keeps records of all complaints and appeals using the Complaints Register. The confidentiality of individuals is of the utmost importance and is maintained at all times. The complaints process will be regularly reviewed as part of the annual planning process so that Weave can make changes to its operations as appropriate to adequately meet the needs of clients and staff.

## **5.9 Taking Action on the Complaint**

The Weave staff member should attempt to deal with simple matters directly and quickly.

Depending on the nature of the complaint, one or more of the following actions may be appropriate:

- recording the information (if communicated verbally) and passing the information on to the Programs Lead or line manager;
- recommending use of the Dispute Resolution Procedure;
- passing the complaint on to the CEO;
- if necessary, referring the complaint to the chairperson of the Board to be dealt with by the executive;
- recording the information in the relevant staff, client or project file;
- making operational changes based on the content of the complaint; or
- including any complaints received in reports to the Board.

## **5.10 Keeping the complainant informed**

Communication will be made with the complainant (or the complainant's nominee) within 5-7 working days of the complaint being received (this will either be verbally or in writing, depending on the preferred communication mode of the client and the seriousness of the complaint). The response details what is being done to investigate and resolve the complaint.

The complainant or person appealing a decision will be informed of the progress of their complaint at all stages of the process, including how to appeal a decision if they are not satisfied with the outcome.

## **5.11 Complaint Resolution and Follow Up**

Following resolution of a complaint, Weave will contact the complainant to assess whether the actions taken are adequate.

If the matter is not resolved to their satisfaction they can take the matter to the NSW Ombudsman, Health Care Complaints Commission or NSW Anti-Discrimination Board.

Breaches of the funding guidelines could be taken to the relevant funding body.

The complaints register is regularly reviewed to inform service planning and continuous quality improvement.

## **5.12 Support for People Making a Complaint**

Clients, carers and staff have the right to use an advocate of their choice to negotiate on their behalf with the staff and/or management of Weave.

For clients, this may be a family member or friend, or a support person from another community organisation.

The Programs Lead is responsible for ensuring complainants are aware of Weave's appeals process and ensuring that complainants are directed to external agencies that can help them appeal.

### **5.13 Resources and Training**

Other bodies that can hear some types of complaints include the Human Rights Commission, NSW Ombudsman, Fair Trading and the police.

Written information about how to complain and appeal a decision will be available and presented in an accessible way. The staff/management/Board member who is approached will also take time to clearly explain the procedure.

People will also be informed of how to access advocacy organisations or individual advocates to help them complain or make an appeal.

The Board will be regularly informed of the number of complaints and appeals, the issues complained or appealed about, the time taken to resolve and the outcomes of complaints and appeals.

### **5.14 Complaints Involving Staff Members**

Complaints involving staff members, excluding the CEO, are forwarded to the Programs Lead who will coordinate a response to the complaint in conjunction with the staff member's supervisor.

Responding to the complaint may involve:

- investigating the complaint and providing the staff member with an opportunity to respond to issues raised;
- attempting to mediate the dispute and/or attempt to resolve the matter; or
- taking further action necessary to resolve the issue (e.g. external mediation and dispute resolution services).

Any disciplinary action against a staff member arising from a complaint will be taken in accordance with the [Human Resources Policy](#).

Complaints involving the CEO should be referred to the Chair of the Board. The process for complaints involving the CEO is the same as for complaints involving other staff, except the Chair helps resolve them.

### **5.15 Complaints Involving Board Members**

Complaints concerning a Board member or a member of a Board subcommittee should be referred to the Board Chair or any other Director. The Chair, or an approved delegate, will attempt to resolve the issue to the satisfaction of the complainant. Where the Chair is the subject of a complaint, the complaint should be referred to another Board member.

A response to the complaint may involve:

- investigating the complaint and providing the Board Chair or member of a Board subcommittee with an opportunity to respond to issues raised;

- if appropriate, attempting to mediate the dispute and/or otherwise resolve the matter to the satisfaction of the complainant;
- taking further action necessary to resolve the issue (e.g. external mediation and resolution services); or
- if appropriate, raising the complaint at a board meeting to determine a suitable course of action to resolve the issue.

Action taken arising from a complaint about a board member will be taken in accordance with the Constitution.

## **5.16 Grievances**

A grievance raised by board members, staff, volunteers or students is considered separate and independent from disciplinary processes undertaken to manage performance or conduct matters identified by the employer.

If a grievance is raised during disciplinary or performance management processes, the grievance is to be addressed as per this policy and the disciplinary or performance management process continues independently.

### **5.16.1 Informal Grievance Resolution**

In the first instance, a grievance should be resolved between the complainant(s) and the person(s) about whom the grievance rests.

Where the grievance cannot be resolved between the two parties informally or the complainant does not feel able to approach the respondent or the respondent does not feel able to participate, a formal grievance resolution procedure is to be undertaken.

### **5.16.2 Formal Grievance Resolution and complaints against senior leaders**

A complainant may make formal notification of a grievance by lodging details of it with their line manager.

Where the grievance is about a complainant's line manager, the complainant should lodge the grievance with the next in line supervisor or the CEO/Programs Lead.

If there is potential for a conflict of interest for the supervisor in managing the grievance (that is the supervisor may be implicated complaint), the next in line supervisor or the CEO/Programs Lead shall manage the grievance resolution procedure.

Where the complainant's line manager is a member of the senior management team, and is also the respondent to the grievance, the complainant shall lodge the grievance with a senior manager who is not the respondent to the grievance or the Chair of the Weave Board if the respondent is the CEO.

The person who has received formal notification of a grievance shall acknowledge receipt of the grievance in writing within five working days.

The person managing the grievance shall interview the complainant to clarify allegations and details, discover desired outcome(s) and advise of the process to be followed. Please refer to the Dispute Resolution Procedure.



After action has been taken to resolve the grievance and no further response is received from the complainant, the grievance is considered closed.

Where a grievance remains unresolved, the person managing the grievance may seek a more senior staff member or the Weave Board Chair to contribute to the resolution process. Additionally, external mediation may be undertaken in an attempt to resolve the dispute.

The complainant and/or the respondent may request union or other representation during external mediation.

The complainant and/or the respondent and/or Weave may seek help from a relevant body.

### **5.16.3 Withdrawing a Grievance**

The complainant may withdraw the grievance at any time through written notification.

### **5.16.4 Documentation**

All details of a formal grievance are to be documented by the person managing the grievance.

## **6. References & Resources**

### **6.1 Internal**

- Service User's Rights and Responsibilities
- Dispute Resolution Procedure
- Human Resources Policy
- Privacy & Confidentiality Policy
- Work Health and Safety Policy

### **6.2 Legislation**

- *Community Services (Complaints Reviews and Monitoring) Act 1993* (NSW)
- *Associations Incorporations Act 2009* (NSW)
- *Privacy Act 1988* (Cth)
- Relevant Industrial Award(s) i.e. the *Social, Community, Home Care or Disability Services Industry Award 2020*

### **6.3 Other References + Resources**

- Department of Premier and Cabinet, 1996, *Dealing with Employee Work-Related Concerns and Grievances – Policy and Guidelines*, Department of Premier and Cabinet, Sydney.
- The Office of the Director of Equal Opportunity in Public Employment and the Public Employment Office, 1996, *Harassment Free Workplace: Policy and Guidelines*, The Office of the Director of Equal Opportunity in Public Employment and the Public Employment Office, Sydney.
- Health Care Complaints Commission: <http://www.hccc.nsw.gov.au/>

- NSW Ombudsman: <http://www.ombo.nsw.gov.au/>
- Conflict Resolution Network: [www.crnhq.org](http://www.crnhq.org)
- NSW Anti-Discrimination Board: <https://www.antidiscrimination.justice.nsw.gov.au/>
- Safework NSW: [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)
- NSW Industrial Relations website: [www.industrialrelations.nsw.gov.au](http://www.industrialrelations.nsw.gov.au)
- NADA Feedback and Complaints: <https://www.nada.org.au/contact-us/complaints/>