

QUAKER SERVICE AUSTRALIA

119 Devonshire Street, Surry Hills NSW 2010

POLICY ON GRIEVANCE HANDLING, COMPLAINTS AND DISPUTE RESOLUTION

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1. Introduction

Quaker Service Australia (QSA) is the service agency of the Religious Society of Friends (Quakers) in Australia. Its Statement of Purpose is to *express in a practical way the concern of Australian Quakers for the building of a more peaceful, equitable, just and compassionate world. To this end, QSA works with communities in need to improve their quality of life with projects which are culturally sensitive, as well as being economically and environmentally appropriate and sustainable.*

2. Purpose

The QSA Management Committee ('the Committee') is committed to hearing and resolving grievances, complaints and disputes which may arise. The Committee has developed this policy and procedure to ensure that any grievance felt, complaint made, or dispute arising is dealt with in a timely manner and in accordance with the principles of natural justice. In implementing the policy, the Committee will ensure that privacy of all affected people is respected and confidentiality is observed so that, except where required by law or contractual obligation, the only people involved in making or investigating a grievance or complaint or dispute have access to relevant information about it. The policy is part of demonstrated commitment to the Code of Conduct of Australian Council for International Development (ACFID) to which QSA is a signatory.

3. Scope of Policy

The Committee, in accordance with its principles and values, is committed to achieving the highest standard it can in every area of its work. The Committee recognises that good complaint management is a key way of learning what needs to be done to improve our work.

The policy takes account of the rights of all concerned in resolving complaints, grievances and disputes by open communication, in a manner consistent with cooperative work practices and in sympathy with Quaker teachings and ideals. The management of complaints is to be as close to the source as possible, for example, a complaint against an activity by a Project Partner would be handled in-country by the Project Manager.

The Committee's policy is to maintain a harmonious working environment which is free from harassment or bullying for staff, volunteers, project partners, and all people who have dealings with the organisation. Any of our stakeholders can make a complaint including: members of staff, our project partners and project participants, volunteers, donors, contractor suppliers and all people who have dealings with the organisation, including members of the public. Project participants can make a complaint about project partners or QSA in the way projects are managed or delivered, acknowledging the power relations between our stakeholders. Anonymous complaints will also be accepted.

The policy provides a fair and transparent framework for the airing and resolution of grievances, complaints and disputes and to undertake proceedings in a timely manner.

The Committee will address all complaints received in an equitable, fair, confidential and unbiased manner using evidence submitted by both the complainant and other involved persons through the complaint handling process. The complaint may be covering a range of issues, which may or may not be addressed separately. It may include an issue of how the complainant was treated by another person, or be more relating to access to a project activity, project resources or process.

The complainant is to be advised of the ability to make a complaint directly to the Australian Council of International Development's Code of Conduct Committee regarding an alleged breach of the ACFID Code of Conduct, to which QSA is a signatory.

4. Definitions

4.1 Natural Justice – This, also known as procedural fairness, means operating without bias, and satisfying this will be for the decision maker(s) to

- I. Give the complainant a fair hearing and the opportunity to present their case (and similarly apply this principle to a respondent);
- II. Be disinterested and / or unbiased in the matter to be decided;
- III. To make the decision based on logical evidence (proven on the balance of probabilities – that is, the alleged behaviour is more likely to have occurred than not and will vary according to the specific circumstances).

4.2 Grievance - refers to any type of concern, dispute or issue that a person may have about QSA processes.

4.3 Harassment - harassment is any form of behaviour that is not wanted or is unreasonable, that offends, humiliates or intimidates another individual or group, creates a hostile environment and which relates to any of the following aspects of the person being harassed:

sex; pregnancy; race, ethnicity or nationality; skin colour; marital status; disability; age; carers' responsibilities; homosexuality; transgender status.

4.4 Bullying - This is behaviour that is usually repeated, that is inappropriate, unreasonable and possibly aggressive, and that creates a risk of physical and/or psychological harm. Single instances may also be considered bullying where that behaviour has occurred as part of a pattern of behaviour.

“Unreasonable” behaviour refers to behaviour that another person, having regard to all the circumstances, would find overbearing, humiliating, intimidating, degrading or threatening.

Workplace bullying can be:

- Directed at, or perpetrated by, an individual or group of employees.
- *Intended*: Where actions were intended to humiliate, offend, intimidate or distress, whether or not the behaviour did in fact have that effect.
- *Unintended*: Which although not intended to humiliate, offend, be overbearing or distress, did cause and should reasonably have been expected to cause, that effect. (Note: Because bullying at work is a Work Health and Safety hazard, intent is not relevant to its definition.)
- *Direct*: E.g. Verbal abuse; putting someone down; spreading rumours or innuendo about someone interfering with someone’s personal property or work equipment.
- *Indirect*: E.g. criticism or complaints; deliberately excluding someone from workplace activities; withholding information or resources that are vital for effective work performance; setting tasks that are unreasonably above or below an employee’s ability; deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular employee/s; setting timelines that are very difficult to achieve; excessive scrutiny at work.
- *Other* types of behaviour (including some forms of practical joking or the lodging of vexatious complaints) may also constitute bullying or “unreasonable behaviour”.

What is not bullying? - Reasonable actions performed in a reasonable way are not bullying. This includes legitimate managerial decisions or actions that are undertaken in a fair, equitable, respectful and courteous way. Examples include, among others: constructive and courteous feedback, counselling or advice about work-related behaviour and performance; allocating work to an employee, and setting reasonable goals, standards and deadlines; deciding not to select an employee for promotion; informing an employee about unsatisfactory work performance; informing an employee about inappropriate behaviour; implementing organisational changes; performance management processes; downsizing; differences of opinion; poor or bad management practices on their own; making a complaint about a manager’s or other employee’s conduct, if the complaint is made in a proper and reasonable way; and disciplinary actions that are handled constructively, not in a humiliating or threatening fashion.

4.5 Complaint – an expression of dissatisfaction made to an organisation, related to its products or services, or the complaint handling itself, where a response or resolution is explicitly or implicitly expected.

Complainant – a person, organisation or its representative making a complaint

Inquiry – a request for information or an explanation

Feedback – opinions, comments, suggestions and expressions of interest in the products or the complaint handling process

Stakeholder or interested party – a person or group, having an interest in the performance or success of the organisation; under this policy key stakeholders and members of the public can make a complaint.

In Australia, it is also against the law for anyone to be harassed because of sex; pregnancy; race, ethnicity or nationality; skin colour; marital status; disability; age; carers' responsibilities; homosexuality; transgender status etc of any associates, work colleagues, relatives, or friends.

Any staff member, volunteer, member of the QSA Management Committee or anyone who has dealings with QSA can make a complaint. This includes project partners who rely on QSA for funding (or part funding) of a project, project beneficiaries and communities where projects are being undertaken. It may also be that a member of the public, donor organisation or stakeholder would wish to use this policy and procedures to make a complaint even though they do not have direct contact or dealings with QSA. Such a complaint would preferably be made recently to the issue to which it relates. This enables management of complaints to be most effective and reduce harm to the individuals and organisations affected.

The complaint can be about any aspect of the organisation which may include, amongst other things:

- I. Work practices such as changes in technology, work processes or location and work health and safety issues
- II. Perceived harassment, intimidation, bullying or victimisation
- III. Treatment by staff, QSA Management Committee or volunteers;
- IV. Workplace communication or interpersonal conflict;
- V. Poor quality of service; and
- VI. An alleged breach of the Code of ACFID Code of Conduct, in which case the Code of Conduct Committee can be conducted at Private Bag 3, Deakin ACT 2600, or <http://www.acfid.asn.au/code-of-conduct/complaints>.

4.6 Quakers – The Religious Society of Friends as a community, either Australian (AYM) or worldwide.

Friends – This term refers to individuals who have been formally accepted as Members, and embraces Attenders who have shown commitment to the aims, principles, procedures and welfare of the Religious Society of Friends.

Australia Yearly Meeting – Either the national body of Friends in Australia or the annual Yearly Meeting gathering. Australia Yearly Meeting consists of all Friends in the Regional Meetings of Australia and is legally incorporated in Canberra.

5. Procedural Principles for the complaints management process

- I. In relationship situations where discomfort or irritation is experienced we are all encouraged to voice the matter to the person or persons concerned as soon as possible in order to avoid this becoming an area of conflict in the future. Ideally this would be as soon as possible, before thinking and feelings have become entrenched, however power imbalances, perceived or otherwise, between the individuals may make this difficult.
- II. In all our dealings with others we should 'speak truth in love'. Honesty, respect and integrity are to be exercised by all parties involved.

- III. As a measure of respect for all people involved we ask for confidentiality in all areas of the matter under discussion, unless a significant risk to any party is imminent or where reporting to external parties is required by law or contractual obligation.
- IV. The intentions of this complaints management process is to work cooperatively and positively to resolve conflict leading to a healthy working environment, and to enable the continual improvement of QSA's complaint handling process and quality of its service.
- V. Everything possible should be done to ensure that all parties feel safe and supported throughout the entire process.
- VI. On-going support should be made available to all parties as long as is necessary.
- VII. Where reporting to external parties is required by law or contractual obligation, this will be completed as required in a timely manner. This could also include Workers Compensation and Public Liability insurers.

6. Contact person for any complaint

QSA's Executive Administrator (EA) is the contact person for receiving a complaint (QSA, 119 Devonshire Street, Surry Hills NSW 2010 or administration@qsa.org.au). If the complaint however concerns the EA, the Convenor of the Management Committee will become the contact person (QSA, 119 Devonshire Street, Surry Hills, NSW 2010 or convenor@qsa.org.au).

If the complaint heard by the contact person is in regards to the current Convenor of the QSA Management Committee or the Management Committee as a whole, any investigation will be conducted by the immediate past Convenor who will fulfil the steps of this policy and report to the contact person (Past Convenor of the QSA Management Committee, 119 Devonshire Street, Surry Hills NSW 2010).

In the case of overseas projects, the project manager in country, or a member of the project partner staff in country with whom the complainant feels comfortable discussing the issue will become the contact person initially. The contact person will be supported by, and report to the QSA Project Manager who will work with the country partner to fulfil the steps of this policy.

7. Lodging a complaint, and initiating the complaint management process

- I. QSA's first preference is for the individual concerned to raise any issues directly with the people with whom there is any difficulty as soon as possible.
- II. Complaints may also be made by phone and by any written means, either by the complainant or someone acting on their behalf, or anonymously via the use of mail or a complaint box, be in the local language, or by indicating options on a pictorial complaint form.
- III. All complaints received will be treated seriously, in a way that is fair, confidential, unbiased and in keeping with Quaker principles.
- IV. For all complaints received, the contact person will:
 - a. record details of the complaint;
 - b. make an initial assessment of the severity of the complaint and the urgency of action;

- c. seek from the complainant the outcome they are expecting;
 - d. clearly explain to the complainant the course of action that will follow if the complaint is within the jurisdiction of QSA, and if preliminary enquiries need to be made, or if further consideration needs to be given;
 - e. clearly explain to the complainant the course of action that will follow if the complaint is found not to be within the jurisdiction of QSA, or if QSA exercises its discretion not to investigate;
 - f. give an estimated timeframe or date by which the contact person will communicate with the complainant about the complaint;
 - g. check whether the complainant is satisfied with the proposed action, or if not, advise them of alternative places to lodge their complaint, such as via the Australian Council for International Development's Code of Conduct Committee (the peak body of development agencies in Australia to which QSA is a member and signatory to its Code of Conduct) especially if they feel the Code of Conduct has been breached (<http://www.acfid.asn.au/code-of-conduct/complaints> or by mail to Private Bag 3, Deakin ACT 2600) and / or the Anti Discrimination Board of New South Wales (http://www.antidiscrimination.lawlink.nsw.gov.au/adb/adb1_makingacomplaint.html) or the Australia Human Rights Commission (<https://www.humanrights.gov.au/complaints-information>) .
 - h. register the complaint in an internal register.
- V. QSA will ensure that a complainant is not required to express their complaint to a person implicated in their complaint unless they choose to do so initially, and that a person implicated in a complaint is not involved in handling the inquiry regarding the complaint.

8. Managing complaints

- I. Where complaints relate to criminal matters, the issue will be referred directly to the police and will not be assessed by QSA.
- II. Providing the complaint is within QSA's jurisdiction, QSA will make every reasonable effort to investigate all of the relevant circumstances and information surrounding a complaint.
- III. In addressing a complaint, the contact person will assess it under the following criteria – severity; work health and safety implications; financial implications for the complainant and others; complexity; impact on the individual, the public or the organisation; its potential to escalate; and the need for, and possibility of immediate action. If a complaint is assessed as meeting one or more of these criteria, it will be classified accordingly in the internal register, and the level of investigation of all relevant circumstances and information surrounding the complaint will be commensurate with the seriousness of the complaint.
- IV. In communications with the complainant or their representative, the contact person handling the complaint will keep good written records of the information provided orally, not create false expectations or make promises they are not necessarily empowered to keep.

- V. QSA will work quickly to acknowledge and investigate complaints. The time length of the response may vary due to factors such as the location of the complaint, the ability to establish clear communications (particularly in overseas cases).
- VI. It may also be appropriate to inform QSA's Worker's Compensation and Public Liability insurers.
- VII. The person being complained about is to be informed of the nature of the complaint as soon as possible, and given the opportunity to prepare a written statement about the complaint.
- VIII. Given the nature of some complaints, it may be necessary to review the working arrangements of the complainants to ensure their safety. This will be assessed on a case by case basis as part of the on-going assessment of the complaint.
- IX. Updating the complainant of the progress of the investigations and providing feedback is to be conducted in a timely manner.

9. Complaint results

- I. The decision made as a result of the investigation will be communicated to the complainant by the contact person handling the complaint as soon as possible, either by email, mail or orally, and in whatever language is most appropriate for the complainant. A written decision will always be offered to the complainant.
- II. If the result of the investigation or if the complainant feels the complaint has not been addressed or resolved adequately, the complainant is to be advised by the contact person of the potential for the complaint to be reviewed by QSA if further information can be provided, or referred to the Code of Conduct Committee of the Australian Council for International Development (<http://www.acfid.asn.au/code-of-conduct/complaints>, ACFID Code of Conduct Committee, Private Bag 3, Deakin ACT 2600) the Anti Discrimination Board of New South Wales (http://www.antidiscrimination.lawlink.nsw.gov.au/adb/adb1_makingacomplaint.html) or the Australian Human Rights Commission (<https://www.humanrights.gov.au/complaints-information>) for their advice and action as necessary.
- III. All relevant personnel are to be informed by the contact person of the outcome of the complaint and the implications for all involved, including QSA and its work.
- IV. In keeping with principles of natural justice, all parties involved have the right to an appeals process if they feel dissatisfied with the decision made and resultant outcomes. This is to be requested of the contact person handling the complaint as soon as possible.
- V. The appeals process will entail the contact person handling the complaint to hear additional comments from parties involved, and to determine who will review the appeal to ensure a fair and equitable response.

10. QSA Management Committee actions after feedback to the complainant at the satisfactory conclusion of the complaints handling process

- I. Changes to process or operations or staffing as a result of addressing the complaint are to be reported to the Management Committee for their information and

consideration, as any policy and / or management change needs their discernment and decision.

- II. Relevant remedial action will be put into practice, with possible staff re-training or education as needed.
- III. A review of the remedial action will be carried out after an appropriate time interval of hopefully 2-3 months to assess its effectiveness in bringing about the desired change.
- IV. Internal reports regarding a complaint will be de-identified (where possible) to preserve confidentiality, enabling the process and outcome to be used by management as a learning tool to bring about a more efficient and effective process to prevent a reoccurrence of the incident which led to the complaint. Minor complaints will be reported to the Management Committee by the EA in summary form; major complaints will be reported in detail.
- V. A record of the complaint prepared by the contact person will be kept as follows – the date and nature of the complaint; any relevant supporting information; result of the investigation; action taken as a result of the investigation or to remedy the complaint. These records will be kept in a sealed document in the safe in the QSA office, in accordance with QSA's Policy on Information Storage, Retrieval and Archiving and any requirements from external bodies such as insurers.
- VI. The effectiveness of the complaints handling process will be included in the annual risk assessment conducted by the Management Committee, and any improvements necessary made as a result of this assessment.

11. Promotion of this policy

The Executive Administrator is tasked with organising the promotion of this policy and the processes involved in plain and simple language, recognising that the person who may need to use this process may not have English as her or his first language, or have low literacy levels and respond more easily to pictorial means of communication.

This will include putting the procedure on the QSA website (including contact details for the contact person and alternate), in annual reports, to project partners, contracts with staff and project partners, and to include contact information (email and phone) and processes involved in written and visual forms.

The publicity of this policy will not only include promotion about the existence of the policy, but also education for staff and project partners in receiving and handling complaints.

12. Spiritual Guidance

In all meetings arranged to consider grievances, they are to be held in the Spirit of Quaker Worship, and to keep in mind the following from Advices and Queries and Quaker Faith and Practice”.

Where any have received offence from any other, first to speak privately to the party concerned, and endeavour reconciliation between themselves, and not to whisper or aggravate matters against them behind their backs to the making parties and the breach wider' London YM Epistle, 1692

'Our life is love and peace and tenderness; and bearing one with another, and forgiving one another and not laying accusations one against another; but praying one for another, and

helping one another up with a tender hand'
Isaac Pennington 1667

In your relations with others, exercise imagination, understanding and sympathy. Listen patiently, and seek whatever truth other people's opinions may contain for you. Think it possible that you may be mistaken. In discussion, avoid hurtful or provocative language; do not allow the strength of your convictions to betray you into making statements and allegations that are unfair or untrue.

Britain YM 1964

Be honest with yourself. What unpalatable truths might you be evading? When you recognise your shortcomings, do not let that discourage you. In worship together we can find the assurance of God's love and the strength to go on with renewed courage. Australia Yearly Meeting 2009, Advices and Queries no 12

If pressure is brought upon you to lower your standard of integrity, are you prepared to resist it? Our responsibilities to God and our neighbour may involve us in taking unpopular stands. Do not let the desire to be sociable, or the fear of seeming peculiar, determine your decisions. Australia Yearly Meeting 2009, Advices and Queries, no 41

13. Authorities and Responsibilities

The **QSA Management Committee** has the authority and responsibility for:

- approving this procedure;
- ensuring compliance to this procedure; and
- Complete the processes described in Section 10 QSA Management Committee actions after feedback to the complainant at the satisfactory conclusion of the complaints handling process.

The current Convenor of QSA Management Committee has the authority and responsibility for:

- when acting as contact person for a complaint, complete the processes described in:
 - Section 7 Lodging a complaint, and initiating the complaint management process;
 - Section 8 Managing complaints; and
 - Section 9 Complaint results.
- When acting as contact person for a complaint provide appropriate information to the QSA Management Committee, so that they can complete the processes described in Section 10, QSA Management Committee actions after feedback to the complainant at the satisfactory conclusion of the complaints handling process.
- Fulfilling the role of review officer should a complainant request that QSA review a complaint.

The immediate past Convenor of QSA Management Committee, when reporting to a contact person in the investigation of claims as described in section 6, has the authority and responsibility for completing the processes described in:

- Section 7 Lodging a complaint, and initiating the complaint management process; and
- Section 8 Managing Complaints.

The QSA Project Partner overseas, supported by the QSA Project Manager, has the authority and responsibility for:

- organising for the publicity of the policy and the processes within their centre;
- when acting as contact person for a complaint, complete the processes described in:
 - Section 7 Lodging a complaint, and initiating the complaint management process;
 - Section 8 Managing complaints; and
 - Section 9 Complaint results.

When supporting a Project Partner in the management of a claim the QSA Project Manager has the authority and responsibility to complete the processes described in Section 10, QSA Management Committee actions after feedback to the complainant at the satisfactory conclusion of the complaints handling process.

The Executive Administrator has the authority and responsibility for:

- organising for the publicity of the policy and the processes;
- organising for the policy and procedure to be published in accessible language as users of the document who may need to use this process may not have English as her or his first language, or have low literacy levels and respond more easily to pictorial means of communication.
- ensuring the policy and procedure (including contact details for the contact person and alternate) is distributed via the QSA website, annual reports, to project partners, paid and volunteer members of QSA staff, and QSA Management Committee members
- including the contact information (email and phone) and processes involved in written and visual forms.
- ensuring that the education for paid and volunteer staff, the QSA Convenor, as well as project partners in receiving and handling complaints is conducted.
- When acting as contact person for a complaint, complete the processes described in:
 - Section 7 Lodging a complaint, and initiating the complaint management process;
 - Section 8 Managing complaints; and
 - Section 9 Complaint results.
- When acting as contact person for a complaint provide appropriate information to the QSA Management Committee, so that they can complete the processes described in Section 10, QSA Management Committee actions after feedback to the complainant at the conclusion of the complaints handling process.

Related documents

QSA Rules of Incorporation

QSA 3 year Plan

NSW Anti Discrimination Act 1977, see also

(http://www.antidiscrimination.lawlink.nsw.gov.au/adb/adb1_makingacomplaint.html)

Australian Human Rights Commission <https://www.humanrights.gov.au/complaints-information>

Work Health and Safety Act 2011

ACFID Code of Conduct, <http://www.acfid.asn.au/code-of-conduct/complaints>

Implementation Matrix of Operational Systems

Policy on Governance

Policy on Grievance Handling and Disputes Resolution
Policy on Accountability to Stakeholders
Policy Against Bribery and Corruption
QSA's Policy on Information Storage, Retrieval and Archiving
Policy on the Rights of Children to Safety and Protection
QSA Staff Orientation Manual
QSA Management Committee Orientation Manual
Other useful procedures which could be followed can be found in Section 4.6 Resolving Conflicts in 'Handbook of Practice and Procedure in Australia' and 'Respectful Relationships' contacts and guidelines, both of which are available on the Australian Quaker website