Palliative Care ACT

5 Flemington Rd, Lyneham 2602

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Patron: Mrs Shirley A Sutton AM, PSM

Grievances and Complaints Procedure

Purpose

This policy outlines Palliative Care ACT's (PCACT) grievances and complaints procedure. All employees have the right to work in a safe working environment and to be treated with dignity and respect. This procedure provides a clear and fair process for employees to raise and settle a grievance which arises against another employee or group of employees. Grievances may arise from a range of issues concerning the management of workers such as dissatisfaction with PCACT's policies or procedures, or the behaviour of employees and other people in the workplace. This policy applies to employees and all other people at PCACT including volunteers, visitors, and clients. Where another appropriate PCACT policy or process exists, it may be followed as an alternative.

Definitions

Grievance – any problem, concern or complaint related to work or the work environment.

Informal grievance – a grievance made verbally.

Formal grievance – a grievance made in writing.

Support person – a person to assist the employee to prepare for an investigation interview, to be with them in the meetings to provide industrial advice (if attending in that capacity), and to take notes. They cannot speak on the person's behalf.

Investigation process – standardised system of enquiries designed to discover the facts of a series of events.

Complainant – a person who makes a complaint against another party.

Respondent - a person called upon to issue a response to a communication made by another, such as a complaint.

Grievance procedure principles

Privacy and confidentiality – only people directly involved in the grievance, or in managing it can have access to information about the grievance. Employees involved in the grievance should not discuss the matter with any other person subject to any legal requirements for disclosure.

Fairness – all parties to the complaint will have the opportunity to present their side of the matter. No assumptions will be made or action taken until all relevant information has been collected and considered. All parties will have access to support if required.

Freedom of victimisation – all necessary steps are taken to ensure that those involved in a grievance are not victimised by anyone for coming forward with the grievance or for helping to manage it. Any victimisation will lead to disciplinary action.

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Timely – all grievances are dealt with in a timely manner.

Procedure

Employees have the option of raising any concern and seeking a resolution to any grievance formally or informally.

Managing an informal grievance

If an employee feels able, safe and confident to do so, they can speak directly to the person(s) with whom they have a grievance (see *PCACT's Anti-discrimination, Harassment and Bullying Policy*).

An employee may not wish to lodge a grievance or formal complaint personally. In such cases the employee may confidentially discuss the matter with a manager. If the employee's immediate supervisor or manager is the subject of their grievance, then a neutral third-party employee can be approached as an alternative.

The person who receives the grievance is obliged to take some or all of the following measures in line with the complainant's wishes or relevant legislation:

- Discuss with the complainant the range of options and strategies for dealing with the situation;
- Discuss the matter confidentially with the employee/s identified as causing the concern with the aim of negotiating to a solution;
- Ensure all parties are aware of the relevant policies;
- Review any agreed follow-up actions to establish whether the matter has been resolved, whether training is required, and any further action including moving to a formal investigation; and
- Strictly monitor the situation and follow up with the complainant to ensure victimisation is not occurring.

Managing a formal grievance

An employee who wishes to lodge a formal complaint will need to put that complaint in writing (for example, using the Grievance and Complaint Report Form and/or emailing the CEO). If the complaint or grievance is against the CEO, then complainants are asked to email the Chair of the PCACT Board.

In making a complaint the employee should ensure that the complaint contains as much evidence and detail as possible, including dates, witnesses, location, incident description and how this made them feel. Details about the allegation should be complete and accurate.

PCACT will:

- Issue a receipt for the written complaint to the complainant within 2 working days;

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- Provide a letter of allegation to the respondent within five working days containing the specifics of the complaint, the time frame for response and the relevant policy for reference; and
- Ensure the complainant understands the process and limitations, and is aware of the relevant policies and options open to them including access to Employee Assistance Program (EAP) services.

Investigation

The PCACT CEO will conduct an investigation, or nominate an appropriately trained person to investigate the complaint. PCACT must ensure that there are no conflicts of interest when appointing the investigator.

- The investigator must clearly identify the issues of the complaint, gather appropriate evidence, and document the investigation in a systematic manner.
- The investigator must interview the complainant, any witnesses, the respondent and any other relevant parties.
- The interviews must take place in a secure and confidential environment to ensure the integrity of the investigation.
- Full notes will be required from each interview and signed by the interviewee to ensure accuracy
- Any party can have a support person attend and ensure that enough time is allowed to arrange this if required (usually 24 to 48 hours).
- The investigator must review any previous file notes or complaints from all parties.
- All records must be kept confidential.

Outcome

If the complaint was substantiated, the disciplinary or performance management process will be followed. This decision to substantiate the complaint will be shared with the complainant but not the details of the disciplinary process.

If the allegation is unsubstantiated the complainant and the respondent will be advised of the reasoning behind the decision and any expectations of future actions.

If the complaint is found to be consciously vexatious, appropriate action will be taken against the complainant. The decision to find the complaint vexatious and any information about appropriate actions will not be shared with the respondent.

Related Policies, Guidelines and Legislation

Grievance and Complaint Report Form

PCACT Anti-discrimination, Harassment and Bullying Policy