

RYDER-CHESHIRE VICTORIAN HOMES FOUNDATION INC.



Patron: The Honourable Linda Dessau, AC
Governor of Victoria
Founders: The Late Group Captain Lord Cheshire of Woodhall, VC OM DSO DFC
The Late Baroness Ryder of Warsaw, CMG OBE

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COMPLAINT AND GRIEVANCE POLICY

Summary

1. Objective of the Policy

To demonstrate Ryder-Cheshire Victorian Homes Foundation Incorporated's (RCVHF) commitment to the welfare, safety, and protection of all residents, public, staff, volunteers, and contractors at the Ivanhoe Homes (The Homes). As a Foundation, we are committed to maintaining a workplace and residential environment that encourages collaboration, trust, cooperation, and communication, where all behaviours are consistent with the RCVHF Code of Conduct and Standards of Behaviour. On occasions incidents and complaints may arise that require resolution via a complaints and grievance procedure. This policy is a guide to how complaints and grievances can be made; processes followed to resolution and expected outcomes. All information is confidential. We are committed to being responsive, consistent, fair, and transparent when handling your complaint and to resolve it as quickly as possible. Complaints and feedback are important sources of information and are used to improve our services wherever and whenever possible.

Key objectives of this policy are:

- To set out our complaint and grievance lodgement and handling procedures,
- Ensure all reasonable steps are taken to protect personal information,
- Ensure all matters are investigated impartially with a balanced view considering all information and evidence available, and
- Assess each matter on its merits considering individual circumstances.

2. Definitions within this policy

Complaint	An expression of dissatisfaction by someone who considers they have been wronged because of the action of another
Complainant	The person making the complaint
Grievance	A matter to be investigated by a formal process. These are complaints not able to be resolved through informal processes or mediation and relate to for example, allegations of discrimination, victimisation, and misconduct.
Confidentiality	Non-disclosure of information shared with RCVHF to third parties without the express consent of the persons involved.
Privacy	This instance refers to the freedom from intrusion into personal matters and personal information and prevents public disclosure of private facts.
Management Team	RCVHF Manager and Assistant Manager
RCVHF Complaints Sub-Committee	Three members from the RCVHF Committee of Management

3. Standard Course of Action

Listed here are the steps taken to resolve the matter/s raised.

1. A complaint is made verbally or in writing via the Complaints Submission Form.
2. Mediation is attempted to resolve the matter informally via the Management Team.
3. If mediation is unsuccessful or not appropriate a Grievance Submission Form is to be lodged.
4. An investigator/s will then be appointed from the RCVHF Complaints Sub-Committee and the matter will be fully investigated.
5. If you are satisfied with the decision/actions, we will close the matter and record the findings.

Policy in Detail

4. How to make a complaint?

If you are unhappy with our service or how you have been treated at The Homes, in the first instance, consider speaking directly with the person involved. If your concerns are addressed and resolved in a way that you are satisfied, then this will be the end of the matter.

If you are not comfortable with this approach or believe it will not resolve your matter you can lodge a complaint in one of the following ways:

- In person by attending our office and speaking to our Management Team
- Calling us directly on 9254.2400
- Writing to us at 10-14 Donaldson Street, Ivanhoe, Victoria, 3079, or
- Emailing us, at rydercheshire@bigpond.com

If you do not feel comfortable discussing your concerns with our Management Team or are not satisfied with the initial resolution, please address your grievance in writing to RCVHF Complaints Sub-Committee sending this to the above postal address. This can be done by completing the Grievance Submission Form.

We will acknowledge receipt of any formal complaint as soon as possible.

We are committed to resolving matters raised at the first point of contact. However, this will not be possible in all circumstances, where a more formal grievance process is followed.

Anonymous complaints will be noted but not actioned until details are provided.

5. Information you will need to tell us

When investigating your complaint, we will rely upon information you provide and information we may already be holding. We may need to contact you to clarify details or request additional information where necessary. All information is treated confidentially. To investigate your complaint in a timely and efficient manner we will ask you for the following information:

- Your name and contact details,
- Persons involved,
- Nature of complaint,
- Name of the staff member who you informed about your complaint,
- Details of any steps already taken to resolve the complaint,
- How you would like this issue to be resolved,
- Copies of any documentation which supports your complaint.

If you require assistance in the process of making your complaint the Management Team should be able to provide guidance to you at any time

6. Recording complaints

On lodgement of a complaint personal information will be recorded, solely for the purpose of addressing your complaint. Your personal details will be protected from disclosure unless you expressly consent being identified for ease of resolving the matter. All details you provide of your complaint, the outcome and any actions taken following the investigation of your complaint will be recorded. This includes dates and times relating to actions taken to resolve the complaint and communications between us.

Where another person is involved, we may be required to speak to them to fully investigate your complaint.

7. Preliminary Assessment

Upon receipt of a complaint the Management Team conducts a preliminary assessment and may do one or more of the following:

- a) Seek any information necessary to inform the preliminary assessment;
- b) Seek advice and consult with any person they consider appropriate, with the requirement of confidentiality for any person so consulted;

- c) Propose the complaint be addressed informally under this policy;
- d) Propose the complaint be addressed through informal internal mediation
- e) Refer the complaint for formal investigation;
- f) Reject the complaint if it is found to be malicious, vexatious, misconceived or lacking in substance and advise complainant of the rejection and;
- g) Recommend interim actions as necessary to address any immediate concerns regarding general health, well-being, and safety;
- h) Record outcome of initial inquiry;
- i) Advise all parties involved of the outcome.

8. Mediation

Mediation is conducted without prejudice to any other actions relating to or that might arise from the complaint.

There are normally 6 steps in the mediation process:

- 1) Clarify what the matter is;
- 2) Establish common goals for both parties;
- 3) Initiate discussions about ways to meet common goals;
- 4) Determine barriers to common goals;
- 5) Agree on best way to resolve matter;
- 6) Acknowledge agreed upon solution and determine the responsibilities that each party and RCVHF Management Team has in the resolution.

Details of the process:

- a) Upon clarification of the matter and the Management Team determine mediation is appropriate, the complainant and the respondent will be invited to participate in mediation. The respondent will be provided with a copy of the complaint and a mediator appointed from the Management Team.
- b) To facilitate an effective informal mediation, the complainant must be willing to be identified to the respondent and both parties must agree to attend mediation voluntarily.
- c) If the parties agree to participate in mediation, the respondent may submit a written response to the Management Team within an agreed time frame. A copy of the respondent's response is provided to the mediator and the complainant.
- d) The mediator invites the complainant and the respondent to meet with the mediator either together or separately or both. The role of the mediator is to assist the parties to reach a mutually agreed resolution. It is not the role of the mediator to make a formal finding.
- e) The complainant and the respondent are each invited to have a support person attend the mediation.
- f) If the complaint is resolved it will be recorded and all concerned will be advised of the outcome.
- g) If the complaint is not resolved through mediation, the Management Team will recommend a formal investigation takes place.

You have the right to make enquiries about the status of your complaint at any time by contacting the Management Team.

Formal Investigation and Determination

- a. Where the complaint is referred for formal investigation under this policy the Management Team will:
 - I. Notify RCVHF Complaints Sub-Committee who, having had no previous involvement in the matter, to conduct an impartial investigation into the complaint;
 - II. Notify the respondent that the complaint has been received;
 - III. If this matter relates to another person, notifies the complainant and the respondent that the matter has been referred for investigation.
- b. Where a complaint/grievance submission form is received directly by the RCVHF Complaints Sub-Committee this will be acknowledged and a member of the RCVHF Complaints Sub-Committee will contact you to inform you of the procedures to be undertaken.

Following official acknowledgment of the complaint an investigator/s from the RCVHF Complaints Sub-Committee will be appointed. An investigator will contact you keeping you informed of the progress of the investigation at all stages of the process. The RCVHF Complaints Sub-Committee will endeavour to resolve your grievance as soon as possible. Where they are unable to resolve your complaint within 10 business days, you will be informed of the reason and a date indicated when they expect to be able to complete the investigation.

During the investigation, the RCVHF Complaints Sub-Committee may seek further clarification or documentation to assist resolve the complaint. If further clarification or documentation is sought from you, another person or third party, this may delay the process. In such circumstances, following clarification or receipt of documentation, the RCVHF Complaints Sub-Committee will indicate to you when they expect to finalise their investigation.

You have the right to make enquiries about the status of your grievance at any time by contacting the Investigator/s.

- c. The Investigator/s from the RCVHF Complaints Sub-Committee will:
 - I. Provide the respondent with a copy of the complaint, if the respondent has not already received a copy;
 - II. Give the respondent reasonable opportunity to seek advice, respond to the complaint, produce relevant information, have relevant individuals interviewed and make written submissions in relation to the complaint;
 - III. Conduct the investigation with regard for procedural fairness, timeliness, confidentiality and the health, well-being, and safety of those involved; and
 - IV. Determine whether the facts pertaining to the complaint are substantiated (in part or in full) based on an assessment of the information arising from the investigation and the balance of probability.
- d. At the conclusion of the investigation, the investigator/s will provide the RCVHF Committee of Management and Management Team with a detailed report.
- e. Following review of the Investigation Report the investigator/s in consultation with the RCVHF Committee of Management and Management Team will provide a recommendation on how to progress the matter involving one or more of the following:

Where the complaint is NOT substantiated:

- i. Address by way of explanation any identified misunderstanding or misinterpretation of RCVHF policies and procedures; terms of agreements and contracts;
- ii. Acknowledge different perspectives;
- iii. Reiterate expected standards of behaviour
- iv. Monitor and review the situation; update RCVHF policies as required; and/or;
- v. Take any other appropriate or necessary action, or
- vi. Take no other further action;

Where the complaint IS substantiated in full or in part:

- vii. In appropriate circumstances, a formal apology;
- viii. In appropriate circumstances, formal mediation, and counselling between parties;
- ix. Require undertakings that inappropriate behaviour where this is found to occur, will cease;
- x. Clarify standards of expected behaviour in line with the RCVH Policies, Standards & Codes;
- xi. Determine and address any inappropriate behaviour identified in the investigation for action as set out in the RCVHF Standards of Behaviour policy;
- xii. Provide or refer those affected to suitable counselling;
- xiii. Provide or refer those affected to appropriate support services;
- xiv. Provide further training/education;
- xv. Implement a period of monitoring;
- xvi. Update policies and procedures to reflect necessary changes;
- xvii. Take any other appropriate or necessary action.

- f. The complainant, respondent and, if appropriate, any witnesses to a complaint are notified that investigation is concluded. The Investigator/s will provide the complainant and respondent with the investigation report and any relevant outcomes that may be disclosed in accordance with RCVH's privacy obligations.
- g. If you are satisfied with our proposed decision or actions, we will close your complaint and record findings for our continuous improvement program.
- h. However, if you are not satisfied with our proposed decision or actions, we will record this, and provide you with information on how to escalate your complaint. You may also wish to refer to the website: <https://www.vcat.vic.gov.au/what-vcat-does/other-organisations> which will help you source the most appropriate organization to take the matter further.

9. When a Complaint or Grievance is made about our Personnel

If your complaint is about a member of our staff, volunteers, or subcontractors, we will treat the complaint confidentially, impartially, and fairly. We will investigate the complaint thoroughly following this policy document and by seeking the relevant facts, speaking with the relevant people, and verifying explanations, where possible.

RCVHF will not tolerate concerns raised if they are shown after investigation, to be malicious, vexatious, misconceived or lacking in substance.

10. Workplace Conflict

If the matter is in relation to workplace conflict, please refer to the RCVHF Standards of Behaviour policy.

11. Our Commitment to those Raising Concerns

If you are the person raising a concern, a witness, an individual providing information, a support person or involved in the investigation and you act in good faith you will not be victimized or disadvantaged in your relationship with the Homes.

References & Resources

Ryder-Cheshire Victorian Homes Foundation Inc. policies are found at:

https://rydercheshirehomes.org.au/home/more_information/policiesohs/

- *Standards of Behaviour Policy*
- *Code of Conduct for Working with Vulnerable People 2019*
- *House Rules*
- *Privacy Policy*
- *Complaint Submission Form*
- *Grievance Submission Form*

Our policies are in line with the following legislations:

- Age Discrimination Act 2004 (Cth);
- Australian Human Rights Commission Act 1986 (Cth);
- Charter of Human Rights and Responsibilities Act 2006;
- Crimes Act 1958 (Vic);
- Child Wellbeing and Safety Act 2005 (Vic);
- Disability Discrimination Act 1992 (Cth);
- Equal Opportunity Act 2010 (Vic);
- Fair Work Act 2009 (Cth);
- Independent Broad-based Anti-Corruption Commission Act 2011 (Vic);
- Occupational Health and Safety Act 2004 (Vic);
- Privacy and Data Protection Act 2014 (Vic);
- Protected Disclosure Act 2012 (Vic);
- Racial and Religious Tolerance Act 2001 (Vic);
- Racial Discrimination Act 1975 (Cth);
- Sex Discrimination Act 1984 (Cth);
- Workplace Gender Equality Act 2012 (Cth)