# Complaints Policy and Procedure

# Policy Statement

## [Insert Company Name] is committed to ensuring ethical behaviour of all staff while delivering our services.

## Where a complaint is received regarding a service [Insert Company Name] provides, or the conduct, performance or behaviour of any [Insert Company Name] staff member, [Insert Company Name] is committed to ensuring a fair process is followed and taking all reasonably practicable steps to ensure the safety and wellbeing of all involved.

## This policy sets out the steps for raising and dealing with concerns and complaints. It aims to:

## support people to resolve minor issues between themselves;

## give clear guidance for making, dealing with, and resolving complaints; and

## make sure the approach taken to dealing with complaints is fair and consistent.

# Application

## This policy applies to all [Insert Company Name] employees and contractors. In applying this policy ‘employee’ or ‘staff’ includes contractors.

# Definitions

## Complainant: The person(s) who has (or have) concerns about the conduct of a [Insert Company Name] worker or service provided by [Insert Company Name].

## Investigation: The process to clarify the nature of the complaint or concern to identify whether there are grounds for the complaint.

## Respondent: The person(s) who is (or are) the subject of the complaint (i.e., who the concerns are about).

## Terms of Reference: The document which sets out the scope of the process that will be followed, timeframe, and those involved.

# Scope

## Complaints can be made by or about any [Insert Company Name] staff member, including those who have left the organisation.

## Complaints may involve things such as:

## unfair actions or decisions;

## processes not being managed well (or at all);

## low level disputes or disagreements between people;

## unprofessional or upsetting behaviour;

## delays;

## failures to communicate about matters affecting a person;

## conflicts of interest (including favouritism);

## disrespectful behaviour;

## bullying;

## harassment, including sexual harassment;

## discrimination;

## abuse of power;

## health and safety risks; and

## offensive/insulting language or behaviour.

## Employment disputes will be managed in accordance with the Employment Relations Act 2000 and will generally be dealt with separately from this complaints procedure.

# Rights and Principles

## All those involved in a complaint can expect to be treated in accordance with the following principles:

## Respect: Every person involved in a complaint will be treated and is expected to act towards others with respect, dignity and in a culturally appropriate way. Complaints will be raised and handled sensitively, with a goal to preserve relationships by acknowledging each other’s role and contribution to [Insert Company Name].

## Confidentiality: Information about a complaint will not be shared with any other person without consent, unless fair process or the law require the information to be shared with a person or an authority. This will be discussed with the person providing the information.

## Fairness: Every person dealing with a complaint will remain neutral and listen to both sides of the story. Any action arising from a complaint will be reasonable in proportion to the seriousness of the complaint.

## Communication: Every person involved in a complaint will be told about the process of the investigation and regularly kept up to date about progress and the outcome, as appropriate.

## Support: Both the person making the complaint and person complained about should have access to support throughout a complaint process. Everyone involved in a process may be accompanied by chosen family/whānau and/or other support people.

## Timely resolution: [Insert Company Name] recognises a complaints process can cause significant distress for everyone involved. [Insert Company Name] will try to ensure the complaint is dealt with in a timely manner.

## Restoration: The goals of the complaints process are to resolve the particular complaint, restore people’s mana and maintain positive relationships. This may involve facilitation or mediation if necessary.

# Reporting concerns and complaints

## If at all possible, speak directly to the person you have concerns about and discuss your concerns.

## If you are not comfortable doing this, speak directly to your Team Leader or Manager who will start the appropriate process.

## Concerns may be reported verbally or in writing.

# Receiving a complaint

## After receiving a complaint, or after being notified of concerns that have been verbally expressed, the Manager / Team Leader (‘**the Notified Person**’) must contact the Complainant as soon as possible to acknowledge the complaint has been received and to discuss:

## the next steps (including the process the Complainant would prefer for addressing the complaint and any outcomes they are seeking);

## what immediate support the Complainant requires; and

## whether there are any safety or welfare concerns.

## The Complainant should be advised that to resolve the complaint fairly to everyone involved, they will usually need to tell the person(s) about the complaint made against them, give them all relevant information, and discuss a process for resolving the complaint. If the Complainant is not willing to have their complaint or identity shared with the person, other ways to resolve the complaint will have to be discussed.

## This conversation should be followed up by sending the Complainant a written acknowledgement of the complaint and a summary of the matters discussed.

## The Complainant and any other relevant people may be asked to give further information in a way that is comfortable to them (face to face, with support person or people if desired, by phone, videocall or email).

# Notifying any Respondent of the complaint

## If one person is identified as causing the problem complained about, they are called the Respondent. After speaking to the Complainant and obtaining relevant information about the complaint, any Respondent should be notified of the complaint in a way that preserves the dignity and mana of that person, their whānau and wider community. Usually this will involve providing the Respondent with a copy of the complaint and all relevant information and inviting the Respondent to a meeting to hear their response.

## The Respondent should be given an opportunity to have an advocate or support person present at any meetings.

## Where a complaint is made regarding a [Insert Company Name] employee or contractor, and the complaint means it is not safe or appropriate for the employee/contractor to continue performing their role while the complaint is investigated, [Insert Company Name] may suspend the employee on full pay or suspend the contractor, but only after giving them an opportunity to comment on the proposal to suspend them and considering their response along with all reasonable alternatives to suspension.

# Informal resolution

## People are always encouraged to raise concerns directly with the person who the complaint relates to, unless there are safety reasons or the issue is too serious to try to resolve it this way. If a person does not feel comfortable raising the complaint directly with the person concerned, a support person can raise it with the person on their behalf.

## Both parties involved should have a chance to be heard, and feel safe to be able to say what they want to say, keeping in mind the need to find a way to resolve issues.

## Once the Notified Person has spoken to both the Complainant and the Respondent, the Notified Person should, where appropriate, explore options for informal resolution with both parties. This may include holding a facilitated meeting and following a process that meets the needs of the people involved.

# Investigation of a complaint

## Where there is disagreement about the facts of the complaint, it may be necessary to conduct an investigation to determine what has occurred. This could be conducted by the person will be responsible for the final decision regarding the outcome of the process. In some situations, it may be appropriate to engage a qualified independent investigator to carry out a fact finding process.

## A terms of reference will be prepared and a draft provided to both the Complainant and the Respondent for review and feedback. The terms of reference should set out:

## an outline of the complaint;

## the objectives of the investigation;

## the scope of the investigation;

## the individuals involved (including any potential witnesses where possible);

## the name of the investigator; and

## a timeframe for the investigation process.

## The investigation may involve:

## interviews with all parties;

## viewing and analysis of relevant documents including minutes books; and

## analysis of systems and information relevant to the complaint.

## Where interviews are conducted, all interviewees will be provided with a draft of the interview notes to give each party an opportunity to check the accuracy of the information and to make any amendments to information. Once each of the parties is satisfied with the accuracy of their respective notes, they will be asked to indicate that by signing off on the transcripts.

## Copies of all signed interview transcripts should be provided to the Respondent before any interview with the Respondent. If further witnesses are identified after the Respondent has been interviewed, the interview transcripts must be provided to the Respondent and the Respondent must be given an opportunity to comment on the information in the transcripts.

## Where information in an interview transcript conflicts with information provided by the Complainant, this information should be provided to the Complainant and the Complainant given an opportunity to comment.

## During any investigation process the Complainant and the Respondent should be provided with regular updates regarding progress and any delays.

## At the conclusion of the investigation the Investigator will prepare a draft report which will be circulated to the Complainant and the Respondent for comment.

## The Investigator will prepare a final report (with or without recommendations as appropriate) for submission to the Manager/Team Leader/Chief Executive as appropriate.

# Complaint outcome

## Decisions regarding the outcome of any complaint should be made in a careful, reasoned way that is justified on the facts and consistent with the outcome in any similar situations.

## On receiving the final report from the investigator, the Manager/Team Leader/Chief Executive will notify the Complainant and the Respondent in writing whether or not the Complaint has been upheld and the reasons for this, as appropriate.

## If the complaint is not upheld, the Manager/Team Leader/Chief Executive may still work with the parties to explore options to restore the relationship.

## If the complaint is upheld, the Manager/Team Leader/Chief Executive will decide what further action, if any, is required.

## If a finding has been reached that the Respondent behaved in a way that could be misconduct or serious misconduct, then the process set out in [Insert Company Name]’s Disciplinary Policy will be followed. It is not appropriate to provide the Complainant with any information regarding any disciplinary process as this would breach the Respondent’s privacy.

## Any complaint received, and the outcome of the complaints process, will be placed on the staff member’s personnel file.