



DIOCESE of
PARRAMATTA



Complaints Management Policy

(for Chancery, Parishes, Seminary and Ministries)

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DOCUMENT CONTROL

Document name: Complaint Management Policy
Document owner: Human Resources Manager
Frequency of review: Five years
Approved: Bishop
Date approved: 16th May 2019
Date for review: 16th May 2024
Endorsed: Curia
Recommended: Chief of Operations and Finance
Status: Approved
Point of contact: Human Resources Manager

Stakeholder distribution:

Distribution	Responsibility	Date
HR Manager	Review and Recommend for Approval	05/10/2018 18/02/2019
Chief of Operations and Finance	Review and Recommend for Approval	16/05/2019
Curia	Review and Endorse for Approval	16/05/2019
College of Consultors	Review and Endorse for Approval	16/05/2019
Bishop	Approval	16/05/2019

Document history:

(Document version numbering convention will follow the following format. Whole numbers for approved versions, e.g. 1.0, 2.0, 3.0 etc. With decimals being used to represent the current working draft version, e.g. 1.1, 1.2, 1.3, 1.4 etc. For example, when writing a policy document for the first time – the initial draft will be version 0.1).

Version	Date	Person responsible for change	Description	Ratification/ Approval
1.0	05/10/2018	Stephen Noone and John Ruddell	Draft	
1.1	15/02/2019	Melisa Fitzgerald	Draft	
1.2	04/06/2020	Amy Donohue	Frequency of review changed to five years as per College of Consultors request.	Approved

1. INTRODUCTION AND PURPOSE

This document follows the Diocese of Parramatta's Complaints Management Framework and provides a strategy for dealing with complaints and grievances.

The Diocese is committed to developing a culture based on mutual trust and respect. We are committed to providing a safe and supportive environment for all staff members and members of the community where people are enabled to provide feedback about their experiences in its parishes, agencies and ministries and responding effectively to this information.

The objectives of this document are to promote and maintain positive relationships and harmonious working environments and to prevent, where possible, minor complaints escalating to become more serious matters. To achieve this, complaints should be managed promptly, confidentially and impartially.

2. SCOPE

This Policy applies to all staff members which includes clergy, religious, employees, volunteers, contractors and subcontractors in Diocesan Chancery, Parishes, Seminary and Ministries.

The Diocese acknowledges that staff and community members may sometimes have a complaint about a decision, behaviour, act or omission that they feel is unacceptable or affects them adversely. This document will be used to manage **all** complaints and grievances **with the exception of** those managed in accordance with:

- The Diocese of Parramatta *Child Protection Policy*
- The Diocese of Parramatta *Youth Safety Manual*
- The Diocese of Parramatta *Whistleblowers Policy and Procedure*

This policy provides a process for staff and members of the wider community to raise a complaint related to any practice or policy of the Diocese, however it is not intended to be a set of rigid procedures that must be followed when a complaint is raised, as the process for dealing with a particular concern will vary depending on the nature, circumstances and seriousness of the complaint. Consequently, the document provides for several avenues that can be used in attempting to resolve complaints.

3. WHAT IS A COMPLAINT?

A complaint is a statement raising a concern related to the Diocese.

Complaints may be raised by visitors, volunteers, community members and contractors expressing dissatisfaction with a service provided by the Diocese, the behaviour and decisions of staff members or about Diocesan practices, policies and procedures.

Complaints may be raised by staff members about issues arising in the workplace (workplace complaints), including interpersonal conflict, perceived breach of policy, the allocation of work or developmental opportunities or a perceived unfairness in the workplace.

Managing a workplace complaint should not be confused with performance management. Workplace complaints are matters identified by individual staff members, while performance management is underperformance being managed by the employer. A workplace complaint may result in performance management or disciplinary action being undertaken by the Diocese if underperformance or misconduct is identified as a result of the complaint.

4. PRINCIPLES FOR MANAGING A COMPLAINT

All complaints should be treated seriously, dealt with as soon as practicable and conducted in a fair, impartial and professional manner.

A complaint can sometimes arise because an individual has seen or heard something, come to their own conclusion on what they saw or heard and acted as a consequence. Prior to acting, individuals should retrace their steps to understand why they felt the way they did and respond, rather than react. To assist this, individuals are encouraged to:

- share their views about the incident with the other person including their understanding of the facts and how it made them feel
- ask the other person/s for their views and what they were feeling
- attempt to differentiate the facts from feelings; and
- attempt to see the opposing view.

By working through these steps, the individual may be able to better understand all of the facts and why others behaved the way they did. As a consequence, individuals can often resolve the concern themselves by using these steps, prior to it becoming a complaint.

When complaints are received in the Diocese it is expected that the complainant will be reassured and treated with respect and compassion and protected from victimisation. The complainant will be informed about the complaint management process and kept up to date on the status of the complaint and any recommendations that may result from it and have the option of a support person present at any meetings. They must also actively participate in the resolution process.

The Respondent of the Complaint

Individuals who have a complaint raised against them should be treated with respect and be provided with sufficient information about the complaint to be able to adequately respond to it. They should be given a reasonable opportunity to respond to the complaint and have the option to have a support person with them in any meetings. They must actively participate in the resolution process and should also be kept informed of the status of the complaint and any recommendations that may result from it. They should be made aware that they must not victimise the person who raised the complaint. Disciplinary action may be taken against employees who victimise complainants.

Confidentiality

All parties have a responsibility to maintain confidentiality if they are involved in any capacity in a complaint. This includes not discussing the complaint with anyone else, including others who may also be involved in the complaint such as witnesses or the person who raised the complaint, unless expressly authorised to do so by the Diocese. Employees who discuss or release information about a complaint without authorisation could be subject to disciplinary action for misconduct.

In some circumstances the complaint may not be kept confidential by the Diocese, as it may be obliged to interview other persons regarding the complaint and/or notify external bodies of the complaint, such as the NSW Police, if it raises a matter that involves alleged illegal activity.

Staff members involved in the complaints process may access support through the Diocese of Parramatta Employee Assistance Program – ACCESS. ACCESS can be contacted on 1800 818 728 or through www.accesseap.com.au.

5. MAKING A COMPLAINT

As per the Complaint Management Framework, the Diocese seeks to empower people to communicate their concerns, experiences and complaints without fear of retribution. Complainants will be afforded appropriate support when they speak up as we recognize that this step requires courage and that it may have been easier to remain silent.

Complaints can be verbal or in writing.

6. MANAGING A COMPLAINT

As per the Complaints Management Framework, the Diocese strives to respond to complaints with compassion, professionalism and integrity.

Receipt of complaints will be promptly acknowledged. Complaints will be assessed in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security, the response will be immediate and will be escalated appropriately. Direct supervisors should attempt to resolve workplace complaints made by staff members as per section 7.2 below, if appropriate. If the workplace complaint remains unresolved or is complex or serious, the complaint should be referred to the relevant head of department, agency or ministry.

Complainants will be informed of the following as soon as possible:

- the complaint management process
- the expected timeframe for a response or reason for any delay
- the progress of the complaint at critical stages
- their likely involvement in the process.

Some parts of a complaint may require specialist management and cannot be progressed by the Diocese of Parramatta and may be referred to external agencies as required by law.

Conflicts of interests, whether actual or perceived, will be managed responsibly.

All reasonable efforts will be made to strive to resolve complaints promptly and with as little formality as possible.

If the complainant would like to be anonymous, their identity will be protected where it is practical and appropriate to do so. Personal information that identifies individuals will only be disclosed or used as permitted under the relevant privacy laws, and any relevant confidentiality obligations.

The safety and well-being of Diocesan personnel is recognised as a significant priority and management responsibility. If people behave unreasonably when they engage in the complaint management process appropriate action will be taken to manage this conduct.

Who should receive and respond to the complaint:

- HR – workplace related, for example performance or conduct
- Safeguarding – complaints that involve the abuse of children and/or vulnerable adults
- Vicar General – complaints related to clergy and liturgical complaints
- Chief of Operations & Finance – complaints related to heads of departments, agencies or ministries

The person addressing the complaint is required to review the matter by:

- Carefully listening to the complainant's concerns and their desired outcomes
- Requesting further information from the complainant and/or from third parties in order to make a preliminary assessment including risk
- Referring the complainant to a copy of this document (available on the Diocesan website), explaining the complaint procedures and the support available
- Keeping appropriate, confidential records of the matter
- Meeting with the complainant and/or others involved in the complaint
- Meeting with and listening to the respondent, fully informing them of the allegations made against them, making them aware of their right to a support person at the meeting and providing them with an opportunity to respond
- Reviewing and responding to the complaint or, if it is unsuitable for resolution at this level, arranging for an appropriate person of authority to review and respond to the complaint
- Keeping those involved appropriately informed about the progress of the matter
- Monitoring the situation during and for the time soon after the resolution process, or longer as is deemed necessary

7. OPTIONS FOR RESOLVING COMPLAINTS (other than for Whistleblowing Complaints)

Given complaints can encompass a wide variety of issues, each complaint should be considered on its own merits to determine the most appropriate way to resolve it. After acknowledging receipt of the complaint, an assessment will be undertaken to confirm whether the issue/s raised in the complaint is within the control of the Diocese.

If the complaint falls within the scope of the Diocese provisions for misconduct/serious misconduct or unsatisfactory performance or other related areas, the appropriate disciplinary procedure will be followed. Where there is more than one issue raised, whether each issue needs to be separately addressed.

Outlined below are a range of options that may be used to resolve a complaint that is clearly not within the scope of the Diocesan processes for misconduct/professional misconduct or unsatisfactory performance. While it is recommended that a complaint is sought to be resolved in the order set out below, it is also recognised that in some circumstances this may not be appropriate, and it may be necessary to commence with a later option.

7.1 Self Resolution – preliminary action

There may be instances where individuals make decisions without realising the impact those decisions have on others around them, or behave in a manner they do not realise may cause offence, disturb or annoy others e.g. playing a radio at their workstation that may be distracting to those around them.

Individuals are therefore encouraged to try to resolve the issue themselves directly with the other party before initiating a formal complaint and grievance procedure, this can give the person a chance to stop, change or explain their behaviour.

By having a conversation directly with the other party in a respectful manner, clearly articulating the behaviour and the effect of that behaviour, the complaint can often be resolved at this point. It also gives the other party an opportunity to respond to the concerns raised without the matter having to be referred to a third party.

7.2 Assisted Resolution

Where self-resolution has been unsuccessful or is not appropriate in the circumstances, or where an individual is unsure how to handle the problem themselves, they should seek the assistance of their direct supervisor (for workplace complaints) or another workplace manager (the manager).

The manager may seek to resolve the issue, in consultation with Human Resources, by speaking to the other party on behalf of the person making the complaint or by facilitating a dialogue between the two parties. If no mutually agreeable resolution is reached, the manager, in consultation with Human Resources, may need to make a decision on the complaint and determine an appropriate resolution.

In relation to workplace complaints, sometimes it may not be appropriate, or the staff member may not feel comfortable approaching their direct supervisor to assist with a complaint e.g. if the complaint is about their supervisor. In these instances, the staff member should approach the Chief of Operations & Finance, Vicar General or Human Resources directly for assistance.

7.3 Mediation

Mediation may be initiated by the Diocese through Human Resources where the complaint has not been resolved through self-resolution or assisted resolution or where the circumstances suggest mediation may assist in resolving the complaint.

Mediation is where an independent person (either internal or external to the organisation) assists parties to resolve their differences or disputes. It is generally a more structured process than self resolution or assisted resolution, however it is still conducted in an informal manner, as all parties are encouraged to speak openly about the issues to assist in obtaining a resolution. Mediation is confidential.

As with the above two approaches, mediation seeks to support the parties resolving their own problems to reach an outcome agreeable to all.

7.4 Investigation

If a complaint is unable to be resolved to the satisfaction of all parties, the Diocese through Human Resources may decide to commence a formal investigation undertaken by an independent person, either internal or external to the organisation. An immediate investigation may be appropriate where the complaint is complex or serious e.g. allegations of bullying and harassment or serious policy breaches such as theft or fraud.

Human Resources will arrange for the investigating officer to interview the person raising the complaint, any respondent/s and any other relevant witnesses. After considering the evidence made available to them, the investigator should provide a report with findings to line management and Human Resources.

The Diocesan line manager and Human Resources will review the report and make the final decision on what actions, if any, it will take. These may include initiating a new work process or system improvement, an apology, counselling, training or initiating disciplinary action.'

If the complaint is found to be frivolous, malicious or vexatious then action will be taken against the employee who raised the complaint.

Child protection legislation requires the Diocese to report to the NSW Ombudsman and investigate allegations or convictions of "reportable conduct" or allegations of "misconduct which may involve reportable conduct" which are made against employees. Reportable Conduct means any sexual offence, misconduct committed against, with or in the presence of a child or

any assault, ill-treatment or neglect of a child or any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

8. POSSIBLE OUTCOMES

If the complaint is upheld or sustained, the following are possible outcomes depending on the nature of the complaint:

- An agreement between the parties
- A verbal or written apology
- A verbal or written reprimand
- One or both parties agreeing to participate in some form of counselling or mediation
- Disciplinary action

If a complaint is not upheld or not sustained (e.g. there is insufficient evidence) but some issues come out of the investigation that are required to be addressed then, possible outcomes include:

- Relevant training for employees
- Monitoring of the behaviour of employees
- Counselling for the aggrieved person
- Mediation at the local level

If the complaint is proved not to have happened at all, or if there is evidence that the complaint was made with the main purpose or intent of causing distress to the other named as the source of the grievance, the following are possible outcomes:

- Counselling for the person who made the complaint
- A written apology from the person who made the complaint
- An official warning
- Referring for disciplinary action for staff

9. REVIEW MECHANISM

If an individual is not satisfied with the outcome of a complaint, they may request an internal review be conducted by the Diocese. The request for review must be made within 10 working days from the date the finding is made known to the complainant. Reasons outlining why the review is being requested are to be included in the request. The Chief of Operations & Finance, in conjunction with the Vicar General, has responsibility for making the final decision on a complaint, including whether to conduct the review, based on the information provided to them.

If an individual remains dissatisfied with how their complaint was handled by the Diocese they may be able to take their complaint to an external agency such as a Court or Industrial Tribunal, the NSW Anti-Discrimination Board or the Australian Human Rights Commission.

10. MAINTAINING DOCUMENTATION

Documentation relating to complaints should be maintained and kept confidential. The level of detail required will depend on the type of complaint that is raised. At a minimum, those who are responsible for managing a complaint should retain file notes on any discussions about the complaint. Where the complaint is more complex, it may be necessary to maintain more comprehensive notes and/or create a specific file. Documentation should include sufficient information about the complaint, any steps taken to manage the complaint and any approach taken to resolve it.

The Diocese may also request and review reports from other agencies within the Diocese on the frequency, issues, resolutions and locations of complaints within the organisation. This will assist

the Diocese review the effectiveness of the complaints process and also identify any systemic problems or trends that may warrant further investigation.

11. FURTHER INFORMATION

Further information about the processes outlined in this document can be sought from **Human Resources** on **8838 3417**.

Given at Parramatta, New South Wales on this fourteen of March, two thousand and nineteen.



Bishop of Parramatta



Notary

Resolution of Complaint Process

