

Feedback and Conflict Management Mechanisms for QuAC & QPP

Policy and Procedures

Prepared By

Erica Waters Consulting

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Policy Statement

Queensland AIDS Council (QuAC) recognises that feedback both positive and negative is a necessary and important factor in assisting the organisation to develop best practice and continue to improve service delivery.

To this end, all people associated with QuAC are encouraged to use these procedures as the agreed means for either providing the organisation with positive feedback or raising any issues of concern with a view to improving effectiveness. In raising issues of concern however, it is expected that individuals will seek resolution of their concerns in a constructive manner by:

- being prepared to focus on developing a common understanding;
- acknowledging any contribution on their part to the difficulties and hurt experienced by others; and
- taking any appropriate measures, that will adequately address or remedy the situation.

In this context, QuAC is committed to responding to feedback of this nature in the following ways:

- in a positive, open and objective manner;
- as locally and informally as possible in the first instance;
- by maintaining the respect and dignity of all concerned;
- by attempting to balance the needs of the organisation with those of the individual; and
- resolving concerns to the mutual satisfaction of all concerned, where possible.

QuAC acknowledges that sometimes people associated with the organisation will choose to provide feedback anonymously. While anonymous feedback and complaints will be accepted, it should be recognised that anonymous feedback, by its nature, will limit the organisation's ability to respond as fully as it otherwise might.

Introduction

Statement of Purpose

The policy and procedures aims to do two things:

- to provide a means for people to communicate their satisfaction when the organisation performs well; and also
- to provide a clearly defined three-stage conflict management procedure for promptly and effectively responding to issues of concern whether they are raised as complaints by volunteers, members, clients service providers, tenants and Board members; grievances by staff or anonymously.

A standard *Feedback and Complaint/Grievance Form* is included as Appendix 2 to encourage people to submit positive feedback in writing and to raise concerns by following the processes outlined in this document.

The conflict management procedure relies on informal resolution processes at Stage One and Two. Stage Two provides for informal assistance from the complaint's supervisor in the event that informal approaches at Stage One fail to resolve the matter or are inappropriate in the circumstances. Stage Three offers a formal resolution process if all prior efforts are unsuccessful.

The document also included information on the following:

- alternative dispute resolution strategies for informally resolving complaints, grievances or other forms of conflict (see Appendix 1)
- the appeal process; and
- the disciplinary process that may be pursued as a result of a clear finding of misconduct and/or poor performance.

Principles

The underlying principles of the policy are:

- The resolution of conflict is the responsibility of all parties concerned.
- All employees, volunteers, members, clients, service providers, tenants and Board members are entitled to provide feedback both positive and negative on how the organisation is performing and may in fact be necessary to ensure that appropriate levels of service delivery and working conditions are maintained.
- Feedback and conflict can be opportunities to improve both individual and organisational effectiveness.
- Objective and open communication can reduce conflict and help resolve conflict situations quickly.
- Conflict is inevitable wherever there are people working and living together. Active management of conflict will however ensure that any conflict contributes to rather than undermines organisational health and wellbeing of the individuals involved.
- Strong partnerships between people associated with the organisation greatly facilitate the effective resolution of conflict when it occurs.
- All parties involved in conflict have a role to play in constructively resolving issues of concern.

Definitions

Some of the words used throughout this document are often subject to different interpretations. For the purpose of these procedures, in order to avoid confusion, the following definitions are provided:

Feedback:

Feedback involves giving information to a person(s) about how their behaviour is seen and experienced for the purpose of creating meaningful change. Whilst positive feedback is always welcome and encouraged, the emphasis of these procedures is on feedback in the form of concerns, complaints or grievances raised by those associated with QuAC.

It should be noted that negative feedback regarding a point of policy or previously collaboratively agreed upon decisions in regard to policy implementation is not considered feedback for the purposes of this procedure. These matters should be referred directly to the General Manager.

A Complaint:

A complaint occurs when a person other than a paid staff member notifies a relevant manager, team leader or regional coordinator that they are unhappy with either:

- an action (or inaction) or decision made (or failure to make a decision) within the organisation which adversely affect him or her; or
- conduct of another person or persons associated with the organisation, which adversely affects him or her.

Complaints can come forward in many forms: as concerns or expressions of dissatisfaction. They may be presented either orally or in writing. They may come from clients, members, tenants, volunteers, service providers, and members of the Board or be made anonymously.

A Grievance:

A grievance occurs when a paid staff member, in their role as an employee is unhappy with either:

- an action (or inaction) or decision made (or failure to make a decision) within the organisation which adversely affect him or her; or
- conduct of another person or persons associated with the organisation, which adversely affects him or her.

Grievances can also come forward in many forms: as concerns or expressions of dissatisfaction. They may be presented either orally or in writing or be made anonymously.

The Complainant:

A complainant is the person, whether making a complaint or lodging a grievance, who claims they have been treated in a manner which is unfair or inconsistent with the organisation's policies.

The Respondent:

The person whose behaviour or action is the subject of a complaint or grievance is referred to as the respondent. Where a decision is the subject of the complaint or grievance, the respondent is the person responsible for the decision.

An Advocate:

An Advocate is a person appointed at the explicit written request of the complainant to act on their behalf and in collaboration with them in attempting to resolve the conflict. Typical examples of advocates are:

- Queensland Positive People representatives acting on behalf of a member;
- a union representative acting on behalf of an employee.

An Appeal:

An appeal happens when a person disputes a decision made in relation to their complaint or grievance, and requests a third person or body to decide on the fairness of the decision.

Misconduct:

Misconduct occurs when an employee or volunteer is clearly able to perform a function or meet a reasonable expectation (in relation to job performance or standards of behaviour) but fails to do so.

Disciplinary Action:

Disciplinary action is not a necessary outcome of a complaint or grievance, but it may be pursued in regard to a finding of employee misconduct.

Procedures for providing positive feedback, making a complaint or lodging a grievance

Positive Feedback

People associated with QuAC who wish to communicate their satisfaction with any aspect of the organisation's performance are encouraged to fill in the Feedback and Complaint / Grievance Form included as Appendix 2. These are available in every centre.

Making a Complaint or lodging a grievance

The following procedures are available to any one associated with QuAC who wishes to raise a concern, make a complaint or lodge a grievance (employees only). Concerns, complaints and grievances can be raised about any matter in relation to the way QuAC or those associated with it, undertakes its business. The three stages of the procedure are outlined below.

Stage One

Where the issue of concern is about the behaviour of an individual associated with QuAC, the complainant is strongly encouraged to attempt to resolve the matter themselves, directly with the person concerned, if at all possible, before proceeding to Stage Two of these procedures. Appendix 1 attached provides information on alternative dispute resolution strategies for use in the early stages.

This means that feedback about the decision should be provided directly to the decision-maker and feedback in relation to a person's behaviour should be provided directly to the person concerned or the relevant team leader/regional coordinator. It should be noted however that this is not a requirement and will not be appropriate in some cases.

The standard *Feedback and Complaint/Grievance Form* (Appendix 2) can be used to guide the parties in their discussion and may be used to document the process. At this Stage however, it is strongly encouraged that the concern, complaint or grievance is dealt with as **informally** as possible.

Stage Two

If efforts at the First Stage of the procedure fail to resolve the matter, or a meaningful discussion cannot occur for whatever kind of reason, the complainant may approach the respondent's supervisor for assistance. The term "supervisor" refers here to:

- a staff member's line manager;
- a volunteer's project team leader or project coordinator;
- a QPP Committee Member's Convenor; and
- a Director's President.

If the respondent is the QuAC President, the role of "supervisor" for complaints is undertaken by the QuAC Vice President. Similarly, if the respondent is the QPP Statewide Convenor, the role of supervisor for complaints is undertaken by the QPP Statewide Deputy Convenor. These positions formally assume the President's/Convenor's authority for the purposes of investigating and processing the complaint.

At this stage of the process, the standard *Feedback and Complaint/Grievance Form* (Appendix 2) must be completed by the supervisor in discussion with the complainant. A copy of this form, when completed, should be forwarded to the General Manager or delegate irrespective of the outcome.

Stage Three

In the event that local efforts fail to resolve the matter to the satisfaction of the complainant, the complainant may refer the matter to Stage Three. At this stage, the matter should preferably be lodged in writing to the General Manager or if relating to a QPP member, with the QPP Statewide Convenor. If made orally, the complaint will be reduced in writing by the General Manager, QPP Convenor or delegate who will ask the complainant to sign the complaint to ensure accuracy.

This formal stage is characterised by a detailed examination of the information gathered at Stages One and Two. An assessment will be made regarding the reliability and validity of the information gathered and a decision made based on the balance of probabilities, eg. corroboration and consistency of the data. A decision will be made regarding what should occur if anything in order to resolve the matter. A checklist for guiding this process is attached as Appendix 4.

The complainant may also choose to refer the matter to a relevant outside agency for assistance where appropriate to do so.

Directors, Secretariat Members and Managers

For situations when the respondent is a QuAC Director, a QPP Secretariat Member or a QuAC Manager, if the complainant moves to Stage Two and approaches the respondent's supervisor they will already be dealing with either the QuAC President, the QPP Statewide Convenor or the General Manager. Should the complainant be dissatisfied with the outcome at this stage, standard procedure at Stage Three is to refer the matter to the General Manager. However, in the cases mentioned this would be inappropriate since the matter has already been handled by the General Manager or more senior position at Stage Two.

So, for complaints where the respondent is a QuAC Director, a QPP Secretariat Member or a QuAC Manager Stage Two and Stage Three of the procedure are collapsed. In responding to these kinds of complaints, preference in all cases will be for the more informal approach of Stage Two, however the supervisor will use the formal investigation approach of Stage Three when appropriate. In all cases, the opportunity for appeal remains (see below).

An exception to this approach

In cases of serious harassment, the complaint, grievance or concern may be lodged in writing immediately with the General Manager.

An Appeal

If, at the end of Stage Three, the complainant is dissatisfied with the outcome of the resolution process, s/he may formally approach the Board to request a review of the decision made by the General Manager. For QPP matters, s/he may formally approach the Statewide Secretariat to request a review of the decision made by the Statewide Convenor.

The Board/Secretariat will decide an appeal by reviewing the decision appealed against.

The steps involved in the appeal process are:

- Before lodging an appeal, the complainant must first attempt to resolve the issues through the first two stages identified in this policy.
- Appeals must be lodged in writing with the Secretary of the Board within 14 days of notification of the General Manager's/Secretariat's decision on the matter.
- The Board will decide on the process for reviewing the matter, which may include delegation to a committee of the Board.
- The Board will notify the appellant and other relevant parties in writing of the date, time and process for the review.
- The Board will decide to either uphold the appeal or dismiss the matter.
- The relevant people (who could include the complainant, respondent and the respective supervisor/coordinator) will be notified in writing of the outcome of the appeal within 14 days of the decision.

Accountabilities/Responsibilities

Of the Complainant:

In order to ensure the best possible response to the issue of concern, the complainant and/or their advocate is encouraged to:

- clearly specify that a complaint or grievance is being lodged (either verbally or in writing);
- clearly state grounds for making a complaint or grievance (either verbally or in writing);
- clearly state what action would resolve the matter (either verbally or in writing);
- attend meetings in good faith with a positive view to resolve the matter;
- be prepared to consider the other point of view;
- maintain an objective approach and keep an open mind to compromise; and
- respect and maintain privacy and confidentiality of information.
- **Of the Respondent:**
- In order to maximise the opportunity to achieve an outcome that is mutually satisfactory to all concerned, the respondent is encouraged to:
- attend any meetings with the complainant and/or advocate in good faith with a positive view to resolve the matter;
- respond to concerns in a respectful way;
- focus the discussion on developing a common understanding of the issue if possible;
- be prepared to consider the other point of view;
- maintain an objective approach and keep an open mind to compromise;
- seek advice and support for themselves, if necessary;
- acknowledge any hurt experienced by the other;
- actively participate in any appropriate measures to constructively remedy the situation; and
- respect and maintain privacy and confidentiality of information.

Of Staff receiving notification of a complaint or grievance at Stage Two

When receiving notification of a complaint or grievance at the local level, the relevant QuAC staff are expected to actively assist in the resolution of the matter. A checklist is included as Appendix 3 to guide informal discussion with the parties concerned and ensure the required documentation is available in the event the matter is referred to Stage Three.

Staff receiving notification of feedback in the form of a complaint or grievance at Stage Two are expected to respond in the following way:

- Acknowledge and accept all feedback, complaints and grievances in good faith.
- Make available the *standard Feedback and Complaint/Grievance Form* if they do not already have a copy.
- Make an assessment as to who is the appropriate person to respond to the matter raised.
- Facilitate the referral of the matter to the appropriate person if necessary.
- If not necessary, make a time as early as possible to discuss with the complainant what action might resolve the matter.
- Seek out all relevant information in order to establish the facts, if necessary and obtain details and perspectives of all relevant parties.
- Negotiate a resolution strategy with the aggrieved person(s) and respondent, if appropriate.
- Document any actions, decisions and interviews with people involved as required in the *Feedback and Complaint/Grievance Form*.
- Make sure enough information is available to support a defensible decision, if a decision is required. Provide this date to the General Manager or delegate in the event that the matter is referred to Stage Three.
- Treat all information with sensitivity; maintain privacy and confidentiality of information. Advise others to do the same.
- Keep all parties concerned informed of progress, as appropriate.

- Ensure decisions and agreements are actioned and monitored.
- Identify any systems or processes that should be modified to prevent the issue emerging again, if necessary.
- Regularly analyse and report trends or issues that require a systemic or policy response to the General Manager or relevant program manager.

Of the General Manager, QPP Convenor or delegate:

In making a decision to resolve the matter at Stage Three, the General Manager, QPP Convenor or delegate will:

- take into account all relevant information gathered at Stage One and Two;
- consider what facts are agreed and what facts are still in dispute;
- conduct a further investigation if necessary;
- make a decision that is based on fact and which balances the needs of both the individual and the organisation within a reasonable timeframe; and
- formally advise the relevant parties of the decision, with reasons for the decision and that an appeal may be formally lodged with the Board within 14 days of notification of the outcome of Stage Three.

Of Directors and the Board of Directors

Individual Directors may provide feedback on the same basis as anyone else in the organisation.

However, if a Director wishes to give feedback to a paid staff member on a matter of significance, the Director must raise their concerns with an appropriate member of the management team in the first instance to ensure that line of responsibility and accountability are not undermined.

Comments by individual Directors are not binding on management or other staff unless the Board as a whole has given the Director a specific delegation.

When the Board or a committee of the Board has to determine an appeal, its responsibilities include:

- deciding the process for reviewing the matter.
- notifying relevant parties of the processes for their input.
- deciding to uphold or dismiss the matter.
- notifying parties in writing of the outcome of the appeal within 14 days.

Disciplinary Action

Sometimes actions or behaviours that are in fact unethical, criminal or unlawful are the basis of conflict, complaint or grievance. When genuine performance concerns such as these are identified, the General Manager may take formal disciplinary action against the person concerned.

Whilst disciplinary action may be an outcome of the complaint procedure, it is a confidential process in its own right. The complainant therefore has no role to play and has no right to any information relating to the disciplinary process, other than it will occur or did occur.

Formal disciplinary action such as dismissal, warnings and/or suspension will occur in serious cases of misconduct and poor performance. For example:

- where concerns, informally raised with an employee or volunteer about inappropriate behaviour and/or poor performance fails to bring about acceptable improvement, or
- if the inappropriate behaviour is considered to be sufficiently serious to warrant immediate formal action. Examples of behaviour that may be dealt with formally in the first instance are breaches of confidentiality, unauthorised media comment or any breach that directly harms the wellbeing of a client.

Formal disciplinary action may result in a written caution, suspension, reassignment of duties or dismissal.

Informal disciplinary action refers to the approach that is taken in the first instance to ensure that inappropriate behaviour and/or poor performance is rectified.

Accountabilities in regard to the disciplinary process

Of Management

It is expected that all managers, team leaders and coordinators will make clear to staff, the standard of behaviour required and the expected level of performance (where appropriate) as part of the ongoing, day to day management function.

Most cases of unsatisfactory performance and/or behaviour will be dealt with informally in the first instance and directly with the person concerned. Reasonable opportunities for support, responding to the allegations and assistance with rectifying the situation will also be provided to the person whose behaviour and/or performance is in question. Any agreement reached on future standards of behaviour and/or performance will be monitored.

In the event that formal disciplinary action is initiated, natural justice principles will be observed. There are two basic rules of natural justice:

- the hearing rule, and
- the rule against bias.

The hearing rule simply requires that where it is proposed to take action that adversely affects somebody's interests, the person concerned must have a chance to state his or her point of view before the action is taken.

The rule against bias is simply that the decision-maker must not be biased.

Of the person whose performance/performance is in question

Staff, volunteers and service providers are responsible for performing to the best of their ability and behaving in a way that preserves the good standing and reputation of QuAC.

If in any doubt or experiencing difficulty, it is expected that staff, volunteers and other people associated with QuAC will seek clarification of, or assistance with meeting expectations, fulfilling duties and/or achieving negotiated performance outcomes.

Whenever negative feedback about performance or performance is provided, the person concerned is encouraged to:

- attend meetings in good faith with a positive view to resolve the matter;
- be prepared to take appropriate action to rectify the matter;
- maintain an objective and professional approach;
- access support services made available by the organisation;
- approach the situation as an opportunity to learn and develop professionally; and
- respect and maintain privacy and confidentiality of information.

List of Attachments

Appendix 1: Informal options for resolution.

Appendix 2: Feedback and Complaint/Grievance Form.

Appendix 3: Flow Chart

Appendix 1

Informal options for resolution

The following alternative dispute resolution strategies can be useful for resolving conflict in the early stage.

- Negotiation between the individuals concerned

Negotiation is often the first option when dealing with a conflict, as it does not involve anyone other than the people involved in the conflict to work it out. The process is characterised by each party's willingness to engage in mutual bargaining, collaborative problem solving and find a mutually satisfactory outcome. It affords the people involved a high degree of personal control and confidentiality.

- Mediation

Mediation refers to the process of resolving conflict with the help of a third party. This person is specifically trained and skilled in the process and is independent and neutral. The mediator assists the parties to negotiate. The process is characterised by both parties agreeing to be guided by the mediator or facilitator in terms of the process only. The mediator does not provide advice about the possible outcomes or make any decisions on behalf of the parties.

- Conciliation

Conciliation contains many elements of mediation, however the conciliator takes a more active role in moving the parties towards agreement. The conciliator assists the parties develop options by providing advice and guidance on issues, including the organisational perspective on the matter.

Available Services

The Department of Justice offers a free mediation service. For further information contact the Alternative Dispute Resolution Branch on (07) 3239 6269.

The Residential Tenancies Authority's Dispute Resolution Service can provide the following information in regard to tenancy disputes:

- information about tenancy law and its impact on the dispute;
- a telephone negotiation service; and
- conciliation conferences between tenants.

Note

The alternative dispute resolution strategies identified above are not appropriate for all conflict situations. Conflict arising out of performance management processes and conduct that calls for formal disciplinary action is rarely resolved in these ways.

Appendix 2 - Feedback or Complaint Form

Your feedback on the performance of this organisation is welcome and appreciated.

Please use this form to provide your feedback and suggestions or to register a complaint/grievance regarding QuAC or QPP.

In the case of complaints and grievances, Stage One involves approaching the respondent directly to discuss your concerns. You are not required to fill in the form, however you might like to use it to prepare your thoughts beforehand.

If you are uncomfortable with approaching the respondent directly or you have already done so without satisfaction, you may move to Stage Two by taking your concerns to the respondent's supervisor. If you are at Stage Three you direct your concerns to the General Manager. At both Stages Two and Three, you need to provide the details in writing and we have designed this form to simplify that task. You may attach other pages if you need more room, but please be succinct.

You may choose to provide your feedback, suggestions or complaint/grievance anonymously, however please be aware that in the case of complaints/grievances, anonymous or unsigned forms may limit our ability to investigate and respond to your concerns.

For more information on our *Feedback and Conflict Management* policies and procedures, please refer to the attached pamphlet or request a copy of the full document from your local QuAC office.

Your Details

Name:

Address:

Please tick the box that best describes your relationship with the organisation:

- | | | |
|--|---------------------------------|---------------------------------------|
| <input type="checkbox"/> paid staff member | <input type="checkbox"/> client | <input type="checkbox"/> board member |
| <input type="checkbox"/> volunteer | <input type="checkbox"/> tenant | <input type="checkbox"/> member |
| <input type="checkbox"/> service provider | | |

Section A – General Feedback

General Feedback is information about the organisation you wish to provide - either negative or positive - about which you do not necessarily require any action.

I would like to provide the following feedback (please outline brief details of the situation/event):

I would like to make the following suggestions for improvement:

Section B: Feedback in the form of a Stage 1 or 2 Complaint (or Grievance for employees only) about which you seek resolution

Details of the Complaint/Grievance

Name of the person to whom the complaint refers (the respondent):

QuAC/QPP role of the respondent:

Have you raised your concerns directly with the respondent (Stage One)?
If so, when?

Have you raised your concerns with the respondent's supervisor (Stage Two)?
If so, when?

Briefly describe your concerns:

Briefly outline what steps you have taken, if any, to resolve the matter:

What happened as a result of taking this action? Were any agreements reached?

What outcomes are you still seeking to resolve the matter?

Signed: _____ Dated: _____ (complainant)

Date received: _____ Name/Position: _____ (Stage Two/Three)

Date received: _____ Name/Position: _____ (respondent)