

Grievance and Disciplinary Policy

Policy Purpose: An effective complaints management system is a proven way of maintaining and building relationships to clients, members and other stakeholders.

Complaints Policy and Procedure:

All Managers, Employees, Contractors, Volunteers, Service Providers, and members of the public (volunteering for Diabetes HELP Tauranga and Diabetes HELP Tauranga Youth) are required to comply with this Policy. Any known or suspected incidents of non-compliance will be reported to the DHT Manager for full investigation and appropriate action. Employees/contractors should be aware that breaches to this Policy may result in summary dismissal; users in breach of this Policy may also attract civil or criminal legal penalties.

Overview: Diabetes HELP Tauranga (hereafter known as DHT) will take all reasonable steps to provide a working environment free of undesirable attitudes or risks; it should be acknowledged however, that not all situations will be under the control of DHT. Whatever the circumstance, the situation will be dealt with the utmost respect to each party, fairly and swiftly. Existing DHT Policy will apply where there is evidence of serious misconduct or wrongdoing.

Protected Disclosure Policy and Procedure:

Overview: This Policy seeks to ensure that any employee, former employee, contractor, or volunteer may make a protected disclosure to report actual or suspected serious wrongdoings including illegal activities.

Overview: This policy ensures that DHT complies with its obligations under the relevant legislation. The policy is in addition to any employment agreement. Reporting serious wrongdoing is a matter that needs to be done after thorough consideration. What constitutes serious wrongdoing could differ from case to case (see notes in Appendix 2).

For the purposes of this policy and its operational procedure, serious wrongdoing includes, but is not limited to:

- Unlawful, corrupt, or irregular use of funds or resources.
- An act, omission or course of conduct that is oppressive, improperly discriminatory, grossly negligent, or that constitutes gross mismanagement.
- An act, omission or course of conduct that constitutes:
- A serious risk to public health or public safety or the environment. A serious risk to maintenance of the law, including the prevention, investigation, and detection of offences and the right to a fair trial.
- An offence.

A person may disclose information under the current legislation if:

- the information is about serious wrongdoing in or by an individual or organisation, and
- the employee believes on reasonable grounds that the information is true or likely to be true, and the employee wishes to disclose the information so that the serious wrongdoing can be investigated, and the employee wishes the disclosure to be protected.

Under this policy, all wrongdoings should be reported and investigated. If there is an act, omission or course of conduct that is oppressive, improperly discriminatory, grossly negligent, or that constitutes gross mismanagement.

- An act, omission or course of conduct that constitutes:

- A serious risk to public health or public safety or the environment.
- A serious risk to maintenance of the law, including the prevention, investigation, and detection of offences and the right to a fair trial.
- An offence.

Handling complaints

Handling complaints well demonstrates commitment to our members, clients and other stakeholders; it demonstrates our commitment to providing the best possible service and helps us to find out about things that have gone wrong so we can amend them. It also prevents things going wrong again in future

Our policy is:

- **Jargon free** - To provide a clear and easy to use procedure for anyone wishing to make a complaint
- **Accessible** - so that people know how to contact us to make a complaint
- **Part of day to day procedure** - so that everyone knows what to do if a complaint is received
- **Fair** - to ensure all complaints are investigated fairly and in a timely way
- **Relational** - to make sure that complaints are, wherever possible, resolved and that relationships are repaired
- **Future proof** – useful to improve what we do

Definition of a Complaint:

A complaint is any expression of dissatisfaction, whether justified or not, about any aspect of our service.

Where Complaints Come From:

Complaints may come from any person or organisation who has a legitimate interest in DHT. A complaint can be received verbally, by phone, by email or in writing. This policy does not cover complaints from staff or contractors.

Confidentiality:

All complaints will be handled sensitively, telling *only those who need to know* and following any relevant data protection requirements. Responsibility overall for this policy and its implementation lies with the DHT Board.

Contact Details for Complaints:

Written complaints may be sent to The Manager, Diabetes HELP Tauranga P.O. Box 15219, Tauranga, 3144. Verbal complaints may be made by phone to 07 5713422 or in person to any of our Staff or volunteers. Complaints received by telephone or in person will be recorded.

The person who receives a phone or in-person complaint should:

- Write down the facts of the complaint
- Take the complainant's name, address and telephone number
- Note down the relationship of the complainant to Diabetes HELP Tauranga
- Tell the complainant that we have a complaints procedure
- Tell the complainant what will happen next and how long it will take
- Where appropriate, ask the complainant to send a written account by post or by email so that the complaint is recorded in the complainant's own words. Send out a complaint form and copy of this Policy.

Resolving Complaints Stage One

Overview: In many cases, a complaint is best resolved by the person responsible for the issue being complained about. If the complaint has been received by that person, they may be able to resolve it swiftly and should do so if possible and appropriate. Whether or not the complaint has been resolved, the complaint information should be passed to the Manager within one week. If the Manager is the reason for the complaint and the situation is not resolved, then the Board Chair should be invited to get involved.

Resolving Complaints Stage One (Cont.)

1. On receiving the complaint, the Manager should record it in the complaints log.
2. If the complaint has not already been resolved, the Manager, or a delegated person, should investigate the complaint within a two-week timeframe.
3. If the complaint is about a specific person, the person involved should be informed and given a fair opportunity to respond, before and after any investigations.
4. Complaints should be acknowledged by the person handling the complaint within a week. The acknowledgement to the complainant should say who is dealing with the complaint, and when the person complaining can expect a reply. A copy of this complaints procedure should be attached.
5. Ideally complainants should receive a definitive reply within four weeks. If this is not possible because for example, an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given.
6. **Code of Good Governance for Smaller Organisations:** Whether the complaint is justified or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken because of the complaint.

Resolving Complaints Stage Two

If the complainant feels that the problem has not been satisfactorily resolved at Stage One, they can request that the complaint is reviewed at Board level. At this stage, the complaint will be passed to the Board Chair.

1. The request for Board level review should be acknowledged within one week of receipt. The acknowledgement should say who will deal with the case and when the complainant can expect a reply. The Board Chair may investigate the facts of the case themselves or delegate a suitably senior person to do so.
2. This may involve reviewing the paperwork of the case and speaking with the person who dealt with the complaint at Stage One, keeping them informed before, during and after any conclusions are drawn.
3. If the complaint relates to a specific person, they should be informed and given a further opportunity to respond before and after any investigations are made.
4. The person who dealt with the original complaint at Stage One should be kept informed of what is happening at all times, including after the review has concluded.
5. Ideally complainants should receive a definitive reply within 4 weeks. If this is not possible because for example, an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given.
6. Whether the complaint is upheld or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint.
7. The decision taken at this stage is final, unless the Board decides it is appropriate to seek external assistance with resolution.

External Stage

The complainant can complain to the Charities Commission or Health and Disability Commission at any stage and should be given any assistance required in this regard.

Monitoring and Learning from Complaints

Complaints are reviewed annually to identify any trends which may indicate a need to take further action.

Appendix One - Practical Guidance for Handling Verbal Complaints

- ✓ Remain calm and respectful throughout the conversation
- ✓ Listen - allow the person to talk about the complaint in their own words. Sometimes a person just wants to "let off steam". Don't debate the facts in the first instance, especially if the person is angry
- ✓ Show an interest in what is being said. Obtain details about the complaint before any personal details
- ✓ Ask for clarification wherever necessary. Show that you have understood the complaint by reflecting back what you have noted down
- ✓ Acknowledge the person's feelings (even if you feel that they are being unreasonable) - you can do this without making a comment on the complaint itself or making any admission of fault on behalf of the organisation e.g. "I understand that this situation is frustrating for you"
- ✓ If you feel that an apology is deserved for something that was the responsibility of your organisation, then apologise
- ✓ Ask the person what they would like done to resolve the issue. Be clear about what you can do, how long it will take and what it will involve. Don't promise things you can't deliver
- ✓ Give clear and valid reasons why requests cannot be met. Make sure that the person understands what they have been told.

Appendix Two – Determining Serious Wrong-doing

- ✓ People perceive situations differently as per their own beliefs and values. This can make a serious wrongdoing difficult to determine. The Protected Disclosures Act 2000 provides a clear definition of wrongdoings and identifies the "appropriate authorities" where someone can present a protected disclosure. (See: <http://www.legislation.govt.nz/act/public/2000/0007/latest/DLM53466.html>)

Adopted:	11 th Jan 2017
3 Yearly review due:	11 th Jan 2020
Chair:	
DHT Policy No:	DHT12