

9. Complaints and Grievances Policy and Procedure

Summary

Lord Somers Camp and Power House (LSC&PH) Board and CEO will ensure that the organisation has systems and processes in place to receive and respond to complaints and grievances and to feed these into the organisation's continuous improvement process.

LSC&PH stakeholders (e.g. employees, volunteers, members, participants, and others) are encouraged to seek a resolution to their issues as the most direct level of the organisation i.e. the person working most closely with them. Escalation strategies are in place in the procedures below if this is not possible or does not achieve a satisfactory outcome.

People lodging a formal complaint requiring investigation will be kept informed about the progress of the investigation, including its outcome.

Complaints: If a member, participant or other stakeholder is dissatisfied with any aspect of their experience with LSC&PH, they should:

- Discuss the issue with the employee, volunteer or member in charge of the activity, if they feel comfortable to do so
- If dissatisfied with the outcome of this, escalate to the program, / activity Wellbeing Officer, or the Program/Activity Leadership Team
- If dissatisfied with the outcome of this, escalate to the Executive Team
- If dissatisfied with the outcome of this, escalate to CEO
- At any stage, the complainant may exercise the option of accessing outside bodies such as the Equal Opportunity and Human Rights Commission, etc.

Disputes and Grievances: If an employee or volunteer has a dispute or grievance, the steps for them to follow are:

- Try and discuss it with the person concerned to seek a resolution
- If this is not possible, or it does not resolve the issue, discuss with direct supervisor (if they are not the person involved in the grievance)
- If dissatisfied with the outcome of this, escalate to the Executive Team
- If dissatisfied with the outcome of this, escalate to CEO
- At any stage exercise the option to access assistance from external body such as the Union, Fair Work Ombudsman, the Equal Opportunity and Human Rights Commission, etc.

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Policy Statement

Complaints, grievances, and other feedback provide LSC&PH with valuable information about employee, volunteer, members and participant satisfaction and an opportunity to improve upon all aspects of its service.

LSC&PH's complaints and grievances management and resolution system will ensure that people can easily make a complaint or raise a grievance and have them dealt with fairly and quickly.

LSC&PH makes information available to employees, volunteers, members, participants and other stakeholders about how to make a complaint or raise a grievance with them and any other relevant body and keeps adequate records about complaints and grievances received.

LSC&PH prioritises the safety and wellbeing of children and young people and recognises the role of families and communities in helping them to understand and use this policy and procedure.

Definitions

Complainant	A person who makes a complaint, or has a complaint made on their behalf.
Complaint	An expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected.
Dispute	A disagreement or argument that can arise from discrimination, harassment or any other behaviour between staff members or between the organisation and a staff member.
Frivolous complaint	A baseless claim that has no merit or value and is made without reasonable cause.
Grievance	A formal dispute lodged by one staff member against another or against the organisation.
Procedural fairness	A principle that requires a fair and proper procedure be used when making a decision.
Sexual harassment -	Any form of unwanted, unwelcome, or uninvited sexual behaviour that is offensive, humiliating or embarrassing.
Vexatious complaint	A complaint that is made without reasonable cause and is lacking substance. The complaint may be repeated, cause annoyance and/or intend to cause harm.

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Workplace harassment	Repeated behaviour, other than behaviour amounting to sexual harassment, of one staff member or group of staff members that is unwelcome, unsolicited, and considered to be offensive, intimidating, humiliating, or threatening by another staff member.
Employee	Any person employed by Lord Somers Camp and Power House.
Executive Team	A leadership team for a specific LSC&PH program or activity. Specific members/ roles of an Executive Team are at the discretion of the Program or Activity Leader.
Leader	Any person (paid or unpaid) over the age of 18 who is responsible for the control and safety of members/volunteers placed in their care whilst holding a formal position in Lord Somers Camp and Power House. A leader could include but is not limited to: <ul style="list-style-type: none"> • Camp Leaders • Deputy Camp Leaders • Executive Officers • Programs Leader • Slushie King and Slushee Queen • Heads of Departments
Member	Any person who has a current membership subscription to LSC&PH, including various life memberships, term membership or honorary life membership.
Volunteer	Any non-member who attends LSC&PH activities as a member of the camp's staff under direction of a Camp Leader.
Participant	Any person who attends an LSC&PH program as a participant or a grouper.

Responsibilities

Board	<ul style="list-style-type: none"> • Promote best practice, continuous improvement and an open, respectful culture that encourages and supports employees, volunteers, members, participants and other stakeholders to make complaints or raise grievances without fear of retribution.
Chair P and A	<ul style="list-style-type: none"> • Coordinate responses to complaints or grievances involving the CEO, on

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Committee	behalf of the Board.
CEO	<ul style="list-style-type: none"> • Ensure that employees, volunteers, members and participants understand and follow LSC&PH’s complaints and grievances management system and have been trained in receiving, managing and resolving complaints and grievances. • Lead the monitoring of the complaints and grievances register to identify systemic or structural trends or issues that can be addressed through the continual improvement process.
Camp Manager or Camp Leader	<ul style="list-style-type: none"> • Operate as LSC&PH’s complaints manager unless the complaint relates to them. • This involves coordinating the handling of complaints and ensuring the complaint is effectively managed, including ensuring that the complainant is kept informed about the progress of any investigation / resolution processes.
Executive Teams	<ul style="list-style-type: none"> • Coordinate the initial response to a complaint that occurs at a specific LSC&PH program or activity.
All staff (employees and volunteers)	<ul style="list-style-type: none"> • Comply with LSC&PH’s Complaints and Grievances policy and procedures • Comply with the LSC&PH’s Codes of Conduct • Participate in training provided on receiving, managing, and resolving complaints and grievances • Participate in investigations of complaints and grievances received • Participate in the review of processes and systems resulting from complaints and grievances received.

Procedure

1. Complaints

All LSC&PH employees and volunteers must undergo an induction which includes training in LSC&PH’s complaints and grievances processes.

Training must also help employees and volunteers to:

- respond to different types of incidents and complaints involving children and meet their legal requirements with respect to child protection
- understand the different ways children and young people express concerns or distress and disclose

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harm

- recognise and respond to neglect, grooming and other forms of harm to children and provide appropriate support to children and young people in these instances
- understand how to respond to disclosures of harm and their reporting obligations
- understand their privacy obligations
- feel confident drawing attention to breaches of LSC&PH's Code of Conduct and challenging these behaviours.

Employee and volunteer knowledge and application of this policy and procedure, LSC&PH's complaints system and their obligation to protect children from harm is monitored on a day-to-day basis. Additional formal and on-the-job training is provided to employees and volunteers where required.

Agendas for relevant meetings include a standing item on Continuous Improvement, including a review of complaint and grievances.

LSC&PH uses its website to provide members, participants, families, carers, and all other stakeholders with information about this policy and procedure in an easy-to-understand format. Information provided includes how to make a complaint to LSC&PH and other external bodies, how complaints will be addressed and external advocacy and support services that can assist people in the complaints process.

Staff will remind participants and their supporters where relevant of their right to make a complaint without fear of affecting their participation. Any person wishing to lodge a complaint must also be provided with this information.

To ensure participants understand their right to make a complaint and how to make a complaint, LSC&PH will provide information to them and their supporters in ways that suit their individual communication needs. Written information can be provided in different languages or explained verbally by staff. Staff can also help participants access interpreters or advocates where required.

The Wellbeing Officer will track and review feedback and complaints to identify ongoing issues using LSC&PH's Complaints Register and report feedback and complaints data to the Executive Team at their meetings.

Privacy and information management

All personal information LSC&PH collects to manage feedback or complaints must be handled in accordance with LSC&PH's Privacy Policy.

Employees and volunteers must keep information about complaints confidential. They may only disclose necessary detail if they are required to do so by law, or if not disclosing is likely to place the safety, health, or wellbeing of any person at risk. Employees and volunteers must take all reasonable steps to notify the complainant before deciding not to keep personal information confidential.

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LSC&PH's Complaints Register will be used to record information about feedback and complaints, any action taken to resolve complaints and the outcome of any action taken. All information regarding feedback and complaints is kept securely in accordance with LSC&PH's Records and Data Management Policy and Procedure. All records regarding complaints must be retained for at least 7 years from the date they are created, with any complaints or disclosures relating to possible child sexual abuse to be retained for at least 45 years.

LSC&PH's complaints management process can be simplified into five steps:

(a) Lodging a complaint

To lodge a complaint, people are encouraged to speak directly to an employee or volunteer first, in an attempt to resolve the matter without recourse to LSC&PH's formal complaints procedures.

Employees and volunteers will

- listen openly to the concerns being raised by the complainant
- ask the complainant what outcome they are seeking
- inform the complainant of the complaint process and how to formally make a complaint to LSC&PH or other complaints body and the time the process takes
- be empathic towards the person and action all commitments made and
- action situations that pose an immediate threat or danger or require a specialised response.

If the complaint is resolved, it must be reported to the Wellbeing Officer for inclusion in LSC&PH's Complaints Register.

If the complaint cannot be resolved promptly or within 24 hours, it must be referred to the Wellbeing Officer. They will advise the person of their right to lodge a formal complaint if they have not already done so, with the assistance of a support person or advocate, if they wish.

Formal complaints can be lodged:

- directly with a staff member, either verbally or in writing
- by email to: ceo@lordsomerscamp.org.au or
- by phone on 03 9510 7066
- in writing to: 34 Lakeside Drive, Albert Park VIC 3206 or

Complaints and feedback can be lodged by a third party on behalf of another person if their consent or the consent of their legal representative has been provided.

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At any time, people can make a complaint to other external complaints bodies (*listed below*).

Employees and volunteers will assist people making a complaint to contact the other complaints body, where this is required.

People making or impacted by a complaint must be encouraged to use an advocate of their choice to act on their behalf if they wish. The advocate may be a family member or friend, or sourced (with assistance from staff if required) through an external advocacy service or agency.

If a complaint alleges actual or possible criminal activity or abuse or neglect, it must be referred to the CEO immediately. The CEO or their delegate must report and action the complaint as per LSC&PH's Critical Incident and Emergency Management Plans (CIEMP)

Staff must take all reasonable steps to ensure complainants are not adversely affected or fear retribution because a complaint has been made by them or on their behalf.

Complaints made to LSC&PH and other complaints bodies can be withdrawn at any time.

Referral to Police and / or Child protection

As per LSC&PH's Client Protection Policy and Procedures, complaints relating to possible child abuse or harm will be immediately referred to Child Protection or the Police. All LSC&PH will cooperate with these law enforcement agencies in this event.

Other external complaints bodies

Outside LSC&PH, complaints can be made to the following bodies. Staff must support people to make a complaint to these bodies, where this is required.

Australian Human Rights Commission

Complaints regarding discrimination and breaches of human rights can be lodged with the Australian Human Rights Commission by:

- **Phone:** 1300 656 419 (National Information Service).
 - Phone hours services are currently reduced due to COVID-19 and are therefore only available between 10am and 1:30pm AEST, Monday to Friday
- **Email:** infoservice@humanrights.gov.au
- **Online:** [AHRC Complaint Form](#) or [Online Complaint Lodgement](#)

More information is available via the [Australian Human Rights Commission website](#).

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Australian Competition Consumer Commission (ACCC)

Participants can contact the ACCC regarding obtaining information about consumer rights and can investigate complaints about breaches of these rights by:

- Phone: 1300 302 502

More information is available via the [ACCC's website](#).

Participants also have rights under the **Australian Consumer Law (ACL)**, including provisions on customer guarantees and unfair contract terms. Information and advice about customer disputes under the ACL are managed by individual State and Territory agencies.

- Consumer Affairs Victoria
 - Phone: 1300 558 181
 - Phone hours services are currently available between 9am – 5pm, Monday to Friday (excluding public holidays)
 - Online: [General Complaint Form](#)
 - Mail: GPO Box 4567, Melbourne, Victoria, 3001

Victorian Equal Opportunity and Human Rights Commission

The Victorian Equal Opportunity and Human Rights Commission investigates complaints relating to human rights and discrimination. Complaints can be lodged by:

- Phone: on 1300 292 153
- Online: [Online Complaint Form](#)
- Email: complaints@veohrc.vic.gov.au

More information is available via the [Victorian Equal Opportunity and Human Rights Commission website](#).

Privacy Complaints

Complaints about privacy or the handling of personal or health information can be reported to the regulatory bodies listed in LSC&PH's Privacy Policy and Procedure.

(b) Recording the complaint

The Camp Manager or Camp Leader will record all information relevant to complaints, in its original and

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simplest form, in LSC&PH's Complaints Register. The Complaints Register will be stored in a secure file, accessible only to the Board and CEO.

(c) Acknowledging a complaint

The Camp Manager or Camp Leader will acknowledge receipt of complaints within 2 working days.

In their acknowledgement, the Camp Manager or Camp Leader will set realistic expectations regarding complaint resolution and refer the matter to other organisations where they are identified as being more suitable to handle it. Acknowledgements must provide timeframes for resolution where possible.

(d) Resolving a complaint

Investigation of complaints will not be conducted by a person about whom a complaint has been made, or a person who has a conflict of interest in the matter. If required, the CEO will determine the appropriate person to undertake the investigation.

In resolving a complaint, the Wellbeing Officer will involve the complainant and keep them informed of the progress of the complaint. They will discuss any disparities identified with the complainant and may request additional information when required. A timeframe within which further information is to be provided should be clearly communicated with the complainant.

The Camp Manager or Camp Leader should consider granting extensions where necessary and always communicate any additional time requirements to the complainant with an explanation of the need.

Complaint investigation must focus on the identified complaint matters only. All parties involved in a complaint must be provided with procedural fairness and with the support and information necessary to participate in the complaints process.

All decisions or actions regarding complaint investigation must be recorded by the Camp Manager or Camp Leader in LSC&PH's Complaints Register.

(e) Communicating the resolution

LSC&PH will respond to all complaints as soon as possible and within 28 days from acknowledgement.

If a complaint cannot be responded to in full within 28 days of acknowledgement, an update must be issued to the complainant. The update must provide the date by which a full response can be expected. The update should be provided verbally in the first instance then confirmed in writing.

The Camp Manager or Camp Leader should discuss the outcome of a complaint investigation verbally with the complainant, where possible. This must be followed by written advice that provides the complainant an opportunity to make further contact with the Camp Manager or Camp Leader if required.

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The written advice will also include information on what further action may be available to the complainant at the conclusion of the complaint investigation. This may include escalating the matter further with an external agency or seeking a further review within the business.

Written advice should also seek feedback from the complainant regarding their experience of the complaints process.

Support will be provided to assist complainants' understanding of correspondence regarding complaints, where this is required (e.g. interpreters, referral to advocates, etc.).

Options for responding to a complaint may include, but are not limited to:

- explaining processes
- rectifying an issue
- providing an apology
- ongoing monitoring and
- training or educating staff.

Once resolved, complaint outcomes must be relayed to the appropriate area within LSC&PH in order to improve service delivery.

Appeals

If the complainant is not satisfied with the outcome of the complaints resolution process outlined above, they may appeal to the LSC&PH Board.

This appeal does not result in the Board undertaking another investigation i.e. repeating what has previously occurred; rather, they will review if the actions taken to investigate and resolve the complaint have followed the processes outlined in these Procedures. If they have, the matter is closed. If they have not, the Board may resolve to undertake one of the following:

- Conduct a new investigation with a different Complaints Officer
- Not conduct another investigation but seek a resolution with the complainant
- Any other actions that are considered reasonable in the circumstances.

Post-complaint review

Post-complaint review includes identifying, monitoring and acting upon trends and systemic issues identified through the analysis of complaint information.

The purpose of analysing complaint data is to learn from patterns in order to safeguard the safety and wellbeing of individual participants, as well as improve the quality of supports.

The CEO is responsible for monitoring the Complaints Register in order to analyse and report on trends

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to the Board.

Reviews should consider:

- the causes, handling and outcomes of feedback and complaints
- processes, timeframes and record keeping practices associated with feedback and complaint management
- feedback provided by staff and participants about LSC&PH's feedback and complaint management.

2. Disputes and Grievances

General

Sometimes situations can arise where a worker believes that a decision by LSC&PH has been made that is unfair or unreasonable, or negatively affects them. Where the employee or volunteer, on reasonable grounds, feels that a decision is unjust, they can raise a grievance in accordance with this procedure.

There are some circumstances that a grievance may **not** be lodged, and these are covered in other relevant policies and procedures. This includes:

- where the employee or volunteer has not already reasonably tried to resolve the matter with the person, or with their direct supervisor
- a complaint about performance management of an employee or volunteer
- the decision/s related to a Workers Compensation claim and
- matters that have been or are undergoing investigation by an external authority.

Disputes and grievances must be treated by all parties with the utmost confidentiality, and the complainant must not be victimised.

All grievances will be taken seriously and investigated in an impartial manner.

Disputes

Employees and volunteers should attempt to resolve disputes with the other person before lodging a grievance. If attempts to resolve the dispute fail, staff must discuss the matter with their supervisor.

The supervisor will mediate and seek an acceptable compromise for both parties. If the dispute involves their supervisor, the staff member must discuss the matter with the supervisor's supervisor.

Issues of sexual harassment or discrimination should be brought to the notice of the Camp Manager or Camp Leader or CEO as soon as practicable, for investigation and management.

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Formally lodging a grievance

If a dispute cannot be resolved, the staff member should lodge a grievance in writing to the CEO. If the dispute is with the CEO, this should be directed Chair of the Program and Activities Committee.

This should detail:

- description of the decision/s or behaviour/s that are the subject of the dispute
- the manner in which the decision or behaviour has adversely affected the staff member
- the time and date of the decision/s or behaviour/s
- names of witnesses
- attempts made to resolve the dispute and
- the action the staff member deems necessary to resolve the grievance.

Investigating Grievances

Once a formal grievance is lodged, the person appointed by the CEO (or Chair of the P & A Committee, if the CEO is involved) will investigate the matter within 5 working days.

The following parties will be interviewed:

- the employee or volunteer who lodged the grievance
- the employee or volunteer against whom the grievance has been lodged
- any witnesses
- the relevant supervisor/s and/or manager/s.

All parties involved in the investigation will be given equal opportunity to explain the circumstances and describe the matter from their perspective. Interviews shall be conducted with procedural fairness and be unbiased. Interviews and issues raised through the investigation will be documented.

Support person(s)

Any person who is required to be interviewed as part of the investigation will be offered a support person to be present with them. The role of the support person is to provide emotional support; they are not able to answer any questions on behalf of the person they are supporting, or give their personal opinions, beliefs or perspectives. A support person cannot be another person who is involved in the investigation of the grievance.

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Resolving Grievances

Where necessary, the CEO will:

- appoint an independent mediator to help resolve disputes ,and
- encourage a support person, union or professional association representative in dispute resolution procedures.

If the investigation reveals that the grievance is valid, and depending on the nature of the complaint and its seriousness, the staff member against whom the grievance was lodged may be:

- required to apologise to the employee or volunteer who lodged the grievance
- given a warning, counselling, transfer or demotion
- dismissed, or
- required to participate in further training.

If the grievance cannot be substantiated because of a lack of evidence, or it is considered a vexatious complaint, LSC&PH may:

- remind all staff of their obligations under the Code of Conduct and/or
- ask all staff to undertake training in communication, negotiation and / or dispute resolution.

The outcome of the investigation

If the grievance is found to be a frivolous claim, and depending on the seriousness of the allegations, the staff member making the complaint may be:

- asked to undertake counselling or participant in further training
- make a written apology to the staff member complained about
- given a written warning, transfer or demotion or
- dismissed.

Employees and volunteers have the right to appeal decisions relating to disputes. Appeals should be directed in writing to the Chair of the P & A Committee and a final decision will be made by the Board.

This appeal does not result in the Board undertaking another investigation i.e. repeating what has previously occurred; rather, they will review if the actions taken to investigate and resolve the grievance

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have followed the processes outlined in these Procedures. If they have, the matter is closed. If they have not, the Board may resolve to undertake one of the following:

- Conduct a new investigation with a different investigating officer
- Not conduct another investigation but seek a resolution with the person raising the grievance
- Any other actions that are considered reasonable in the circumstances.

An employee who has raised a complaint or LSC&PH may have the right to refer their complaint to an external party, such as the Fair Work Commission, if a resolution cannot be reached. Note that volunteers are able to seek a Stop Bullying Order through the Fair Work Commission.

Grievances relating to alleged improper or corrupt conduct

Employees, volunteers and other LSC&PH stakeholders may make use of the processes outlined in LSC&PH's Whistleblower Policy and Procedure to report alleged improper or corrupt conduct in relation to any aspect of LSC&PH's services, without fear of reprisal.

Other relevant policies and procedures

- Whistleblower Policy and Procedure
- Client Protection Policy and Procedure
- Privacy Policy and Procedures
- Information and Data Management Policy and Procedure

Policy review

This Policy will be reviewed every three years by the LSC&PH Risk Committee, or sooner if warranted by internal or external events or changes.

Changes to the Policy will be recommended by the Risk Committee to the Board.