

COMPLAINTS POLICY

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Drafted by:	Fraser Baxter	Approved by	
		Committee of	9/3/21
		Management on:	9/3/23
Responsible person:	Secretary	Scheduled review date:	

INTRODUCTION

Brain Injury Matters (BIM) believes that all people who have contact with BIM have the right to complain if they are not happy with something concerning our organisation. Complaints are welcomed and provide BIM with an opportunity to improve our organisation. This policy ensures that those complaints will be handled with discretion, sensitivity, and professionalism.

A complaint can be made at any time. Prior to a complaint being made, the person is encouraged to resolve the problem themselves. However, it is up to the individual's discretion and depending on the nature of the complaint, whether they approach the person /s involved or proceed to the official complaints' procedure. A complaint can be made by anyone who is involved with BIM or is affected by a BIM decision.

PURPOSE

The purpose of this document is to provide a framework for BIM in dealing with complaints concerning our organisation.

DEFINITION

What is a complaint?

A complaint can be about a range of things. It could be where a person disagrees with something that BIM has done, a decision that BIM has made, or concerns a BIM policy, For example:

- BIM does not do something it had agreed to do.
- BIM provides the wrong or misleading information.
- BIM policies were not followed correctly.
- Inappropriate behaviour by a BIM member, or member of staff. This is not to be confused with misconduct, sexual harassment, or bullying (See the BIM Misconduct, Sexual Harassment and Bullying Policies).

POLICY

- Complaints about BIM are dealt with by the BIM Committee of Management. A committee member and/or staff member will be nominated by the BIM Executive or Committee of Management, to oversee the handling of the complaint. This committee member and/or staff member will not have a conflict of interest related to the complaint (see the Conflict of Interest Policy for further information).
- If the person making the complaint needs assistance (to make the complaint), BIM will encourage that person to approach a friend, an advocate or SARU, for assistance and support through the complaints process.
- BIM will keep all complaints as confidential as possible. Only those people who need to know about the complaint will be informed. A copy of each complaint will be kept in a locked file along with a description of how the complaint was resolved to be written up by the person managing the complaint.
- Complaints will be dealt with as quickly as possible.
- If the complaint is about something against the law or illegal, BIM is obligated to hand the matter over to the police.
- Complaints will be used to inform the quality improvement process of BIM.

AUTHORISATION



Virginia Giddings

9/11/2021

Brain Injury Matters

COMPLAINTS PROCEDURES

Procedures number:		Version:	1
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RESPONSIBILITIES

The Committee of Management is responsible for ensuring that:

- the processes in this policy are followed in relation to all complaints;
- BIM members, employees or volunteers who are the subject of any complaint are afforded procedural fairness;
- confidentiality is maintained to the greatest extent possible; and
- all necessary assistance is provided to the Committee of Management member or any other person managing the complaint.

The Committee of Management Members /Managers are responsible for ensuring that:

- where appropriate, they try to informally resolve complaints in the first instance;
- complaints are reported to the Committee of Management; and
- all parties to the complaint are supported.

PROCESSES

Making a Complaint

Should a BIM member/employee/volunteer, or contractor or supplier to BIM, feel comfortable in doing so, it is preferable for them to raise the issue with the person directly where the complaint involves a person. It is hoped the issue can be resolved by discussion. The complaint should be identified, the nature of the complaint made clear and how the situation can be remedied, with a view to ensuring it does not occur again (should the complaint be valid).

If the situation of concern continues, or if the BIM member/employee/volunteer, or contractor/supplier feels unable to speak to the person(s) directly, they should contact the Committee of Management or their manager, as appropriate. The person making the complaint will be asked to complete a complaints form, which is attached to this policy.

The complaint can then be resolved in one of two ways – informal intervention, or formal complaints procedure.

Informal Intervention

Informal intervention is the preferred mode for resolving a complaint. The process of informal intervention may occur through a process of either mediation or conciliation. During informal intervention, if the complaint concerns a person, that person will be made aware of the specifics of the complaint against them and given the right to respond in writing within 10 days.

If through this process, the BIM Committee of Management member and/or staff member who is handling the complaint, believes the complaint to be substantiated against a person, a mediated (helping the two parties reach an agreement) or conciliated (provide options for an agreement) resolution will be sought. Similarly, if the issue concerns a policy, then a mediated or conciliated resolution between BIM and the complainant will be sought. Interventions at this stage should adopt a confidential, non-confrontational approach with a view to resolving the issue.

This procedure will be completed when the complainant accepts the issue is resolved. If this outcome cannot be achieved, the organisation's formal procedure should be followed.

Formal Complaints Procedure

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations will be conducted internally (by a Committee of Management member and/or manager), or by an external investigator if it is a serious complaint or requires neutral oversight. If the issue concerns alleged misconduct, sexual harassment, or bullying, it will be handled under the Misconduct, Sexual Harassment or Bullying Policy.

An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether the alleged situation occurred. Once a finding is made, the investigator (Committee of Management member/staff or external person) will make recommendations about resolving the complaint.

Where the complaint involves a person, the investigator may need to interview the parties involved (which may include the complainant, the respondent, and any witnesses) to obtain information regarding the complaint. The investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of issue.

Throughout the investigation process, all parties involved in the investigation will be regularly kept informed about the investigation.

The findings will be determined based on the evidence, and on the balance of probabilities.

Records are to be kept and filed in a confidential and secure place. These records should be kept for a period of seven years. Under no circumstances will records be placed on the complainant's personnel file (if they are a staff member).

Based on the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- Change of BIM policy or operational procedure.
- Formal apology.
- An undertaking that the behaviour will cease.
- Mediation where the parties to the complaint agree to a mutually acceptable resolution.
- Conciliation where the options for resolution are presented to the party/parties for agreement.

On completion of the investigation, all parties will be informed about the investigation findings and the outcome of the investigation.

Review of the Decision

A party to the complaint can request the decision be reviewed. The request for a review of the decision must be in writing and sent to the President of BIM within 5 working days of receiving advice of the decision. The request for a review must state why the original decision is in error. The President in consultation with the BIM Executive, will liaise with all parties, and decide on the matter within 15 working days. This decision is final.

Any party to the process may require professional support to deal with the impact on them. The cost of this professional support (for example the Employee Assistance Program) may be borne by BIM for a reasonable amount of time.

AUTHORISATION



Signature of Secretary
Virginia Giddings
9/11/2021
Brain Injury Matters

