

Employee Complaints Management

Policy

Complaints and Feedback Policy and Procedure

Purpose

This Employee Complaint Management Policy is TassieCare Services principal internal dispute resolution policy.

Scope

This policy applies to all TassieCare Services employees, volunteers, and contractors.

1. Policy Content

This policy states the process and procedure for complaints made by TassieCare Services employees and or contractors.

2. Guiding Principals

This policy is supported by the following principals:

- a. **Objectivity:** To maintain fairness throughout the Complaint Management process, TassieCare Services handles complaints impartially and transparently.
- b. **Respect:** All parties to a complaint will be heard, treated fairly and with respect.
- c. **Accessibility:** Copies of this policy are available on Work Zone, our website and at the office, TassieCare Services offers a wide range of ways to lodge a complaint, and the process is free and accessible to all employees
- d. **Responsiveness:** TassieCare Services will respond to complaints in a timely manner and in line with our regulatory requirements. Complainants will be updated on the process of their complaint throughout the Complaint Management process, at clause six (6)
- e. **Confidentiality:** TassieCare Services respects the privacy and confidentiality of our Participants, employees, and contractors. The business will maintain confidentiality throughout the Complaint Management process at clause six (6) unless it is unreasonable to do so.
- f. **Efficiency:** TassieCare Services will resolve complaints using resources available appropriate to the nature of the complaint, the business will track the process regularly to ensure that complaints are dealt with promptly and efficiently

3. Definitions

1. **Complaint** means an expression of dissatisfaction made by TassieCare Services employees in relation to any of the following:
 - the service provided by TassieCare Services; or
 - decisions about TassieCare Services practices, policies, or procedures; or
 - another employee of TassieCare Services.
2. **Complainant** means the person making a complaint.
3. **Frivolous** means an issue that is determined to be trivial and not warrant action beyond acknowledgement of receipt.

4. **Party or Parties** means the Complainant and the Respondent collectively.
5. **Respondent** means the employee who is the subject of a complaint.
6. **Serious complaint** means a complaint that if proven, could involve an offence against any Tasmanian or Commonwealth law, or may otherwise present a significant risk to the business, Participants, or the community.
7. **Vexatious** means an action such as the lodgement of a complaint that lacks substance and on consideration of the available evidence is deemed to have been intentionally fabricated.

4. Excluded Complaints

4.1 Frivolous or Vexatious Complaints

- a. Complaints must be made in good faith and TassieCare Services employees must be honest, co-operative, and provide any requested assistance in working through the Complaint Management Process. This process is not to be used for revenge, retribution, or purely to cause trouble or annoyance.
- b. TassieCare Services may refuse to deal with a complaint or cease to deal with a complaint in circumstances where TassieCare Services is satisfied that the complaint is frivolous or vexatious.
- c. Where a complaint is considered frivolous or vexatious, TassieCare Services may commence disciplinary action against the Complainant.

4.2 Time Limits

- a. TassieCare Services will not investigate complaints lodged three (3) months after the date the Complainant becomes aware of incident or issue.
- b. TassieCare Services has the discretion to investigate a complaint after three (3) months have elapsed, where the Complainant can demonstrate exceptional circumstances which prevented them from lodging the complaint within three (3) months.

5. Lodging a Complaint

5.1 Early Resolution

In the first instance, the Parties should attempt to discuss the complaint in good faith to reach an agreement or otherwise resolve the complaint.

5.2 Form of Complaint

If the complaint is not resolved under 5.1 above, a formal complaint may be lodged as follows:

- a. by email, letter, in person, or by phone; and
- b. must include the following:
 - i. the allegations being made; and
 - ii. any action taken at the time of the alleged incident by the Complainant; and
- c. must be accompanied by any relevant evidence; and
- d. must be lodged within three (3) months of the date the Complainant became aware of the incident or issue.

5.3 Submission of Complaints

The Complainant must submit their complaint to one of the following:

- a. their relevant Case Manager/Line Manager; or
- b. A Member of Senior Management; or
- c. the People & Culture Manager or Director.

6. Complaint Management Process

6.1 Process

After lodging a formal complaint in accordance with clause 5.2 and clause 5.3, the Complaint Management Process (Table 1) will commence.

Meeting with the Respondent	TassieCare Services will hold a formal meeting with the Respondent to gather their evidence.
Investigation	TassieCare Services will consider the evidence in a manner consistent with this Policy.
Follow-Up	TassieCare Services may seek further information from any party, including a third party, to assist in the investigation.
Response (Complainant)	TassieCare Services will hold a formal meeting with the Complainant, during which the gathered evidence will be presented to the Complainant for their comments.
Response (Respondent)	TassieCare Services will hold a formal meeting with the Respondent, during which the gathered evidence will be presented to the Respondent for their comments.
Analysis and Outcome	<p>TassieCare Services will assess the evidence and determine an outcome of the complaint.</p> <p>All complaints will be assessed on the balance of probabilities. That is, the standard is whether it is 'more probable than not' that the action subject of the complaint took place.</p>

6.2 Variation of the Process

TassieCare Services has the discretion to vary the steps in clause 6.1 as necessary to address the relevant complaint.

7. Rights of the Complainant

7.1 Outcome of the Investigation

The Complainant will be provided with written notice of the outcome of the Complaint.

7.2 No Disadvantage to the Complainant

The Complainant will not experience any disadvantage for a complaint which is made in good faith.

8. Rights of the Respondent

8.1 Support Person

A Respondent may have a support person accompany them to any required meeting.

8.2 Advocates

A support person under clause 8.1 must not act as the Respondent's advocate. TassieCare Services may remove the support person from any meeting if, after a verbal warning, the support person continues their attempts to advocate on the Respondent's behalf.

8.2 Support Services

A Respondent will be provided with information regarding available support services.

9. Obligations of the Parties

9.1 Attitude and Behaviour

A Respondent must:

- i. respond to requests for additional information within three (3) business days of the request being made; and
- ii. act professionally and reasonably at all stages of the Complaint Management Process; and
- iii. not provide false or misleading information to TassieCare Services in the course of the Complaint Management Process.

Any contravention of this section will be met with disciplinary action up to and including termination of employment.

10. Dissatisfaction with Complaint Management Process

If a Respondent or Complainant is not satisfied with the outcome of the complaint, that complaint may be internally referred to a Senior Manager, who was not involved in the original matter, for further investigation.

For clarification regarding this policy, please contact:

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Written and authorised by: Jonathan Bishton People & Culture Manager

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