

*Landcare Victoria Inc. is the independent representative body for Landcare in Victoria and exists to secure increased recognition, resourcing and support for the Landcare movement.*



**LANDCARE VICTORIA INC.**

POLICY NAME:

**Complaints Policy & procedure**

Policy Approved by CoM: 6/02/2019

POLICY COVERAGE:

This policy applies to everyone involved in Landcare Victoria Inc. including:

- persons appointed or elected to Landcare Victoria Inc. committees and sub - committees;
- employees, contractors, and volunteers of Landcare Victoria Inc.; and
- members, including professional members of Landcare Victoria Inc.;
- Any person participating in events or activities held or sanctioned by LVI or LVI Member Groups

FREQUENCY OF REVIEW: Biennially

NEXT REVIEW DUE: February 2020

**1. OBJECTIVE**

To set out a procedure through which people who are part of the Victorian Landcare community can communicate any complaints regarding LVI services, functions or operations, and to enable LVI to benefit from all complaints through ensuring that they are recorded, considered, resolved and monitored.

**2. KEY POLICY PRINCIPLES**

Landcare Victoria Inc. (LVI) is committed to being open and responsive to any complaints offered by members of the Victorian Landcare community. Wherever possible, Landcare Victoria Inc. will seek an outcome to a complaint that is satisfactory to all parties. To those ends, key policy principles are:

2.1 Landcare Victoria Inc. will maintain a formal complaints procedure to ensure that all complaints are responded to in a timely and impartial way;

2.2 Landcare Victoria Inc. will ensure that all suggestions for improvement and complaints are recorded, considered and retained for process improvement purposes;

2.3 Landcare Victoria Inc. will address all complaints in a confidential manner and, where possible, LVI will protect the identity of the complainant and do everything within its powers to ensure documentation, oral representations and all other evidence is confined to appropriate persons on a strictly confidential basis;

2.4 Action to resolve the complaint will commence within 21 days of the complaint being made (this includes contacting the complainant), where only the people directly involved in making, investigating or resolving of a complaint have access to information about it;

2.5 Landcare Victoria Inc. will ensure that the complaint investigation process is impartial, neither making assumptions nor taking any action until all relevant information has been collected and considered; and

2.6 Principles of natural justice and due process will apply to the handling of all complaints and grievances.

**3. MANAGING UNREASONABLE CONDUCT BY PEOPLE MAKING COMPLAINTS**

3.1 We are committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

3.1.1 Our ability to do our work and perform our functions in the most effective and efficient way possible

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3.1.2 The health, safety and security of our staff, and

3.1.3 Our ability to allocate our resources fairly across all the complaints we receive.

3.2 When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work.

3.2.1 As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

3.2.2 Where complainants or respondents are offensive, abusive or threatening they will be warned against such further conduct and where such conduct persists LVI will cease contact and, where appropriate, report such conduct to the appropriate authorities.

#### **4. POLICY**

4.1 Formal Grievances and complaints received are required to be received in writing (addressed to the Landcare Victoria Inc. Chair) and fall into three types:

4.1.1 General Grievances and Complaints;

4.1.2 Grievances and Disputes brought under the Landcare Victoria Inc. Rules; and

4.1.3 Complaints brought about under the LVI Code of Conduct.

4.2 For all types of formal grievances and complaints, the following steps should be taken:

4.2.1 Wherever possible, a person planning to make a complaint (the Complainant) regarding a matter should in the first instance address the problem with the person or people involved (the Respondent) if able to do so;

4.2.2 If the complaint cannot be resolved as per **Step 1**, the Complainant can contact their Member Group Complaints Officer or a Complaints Officer within the LVI Office (unless otherwise advised the Complaint Officer will be the Vice Chair). A Complaints Officer can help a Complainant handle a complaint in an appropriate and consistent manner. Complaints Officers do not investigate complaints but help the person with the concern to deal with what has happened; and

4.2.3 After discussion with a Complaints Officer the Complainant can determine how best to address the matter including making a 'Formal Complaint or Grievance' in writing addressed to the Chair of Landcare Victoria Inc.

4.3 For General Grievances and Complaints, being any serious matter that the Complainant feels should be brought to the attention of LVI, the process is as follows:

4.3.1 A person making a written complaint (the Complainant) must consider whether:

4.3.1.1 They have tried to resolve the problem and failed;

4.3.1.2 The allegations are very serious;

4.3.1.3 The allegations have been denied and substantiation is sought;

4.3.1.4 A Complainant wants to request the complaint be investigated;

4.3.1.5 A Complainant has been victimised for complaining;

4.3.1.6 A complaint is being made against a senior person and an investigation will help to ensure the complainant is not disadvantaged.

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4.3.2 A written complaint must provide a detailed description on a factual basis of the incident(s) and provide all evidence of the allegations being made. This information may lead to an investigation being held or a mediation session convened.

4.3.3 Any person taking part in an investigation or mediation is permitted to have a support person with them.

4.3.4 Any information provided by the Complainant will be provided to the other party for the other party to respond to including the name of the Complainant.

4.3.5 Complaints or Grievances received that are not related to harassment or discrimination will follow this process:

4.3.5.1 The relevant LVI staff members will make contact with the Complainant and, if the matter cannot be resolved, LVI may require further information to be provided;

4.3.5.2 On receipt of any further information a LVI staff member will investigate the matter and make a recommendation for consideration by the Landcare Victoria Inc. Chair; and

4.3.5.3 Implementation of the resolution

4.3.6 Where the complaint cannot be resolved through this process, the LVI Chair may refer the matter to independent mediation or the matter may be referred to the Landcare Victoria Inc. Committee of Management.

4.4 Grievances and Disputes brought under Clause 11 of the Landcare Victoria Inc. Rules will be handled in accordance with process set out in that Clause.

4.5 Complaints brought about under the LVI Code of Conduct shall follow the Complaint Handling Procedures as outlined this Policy.

4.6 LVI shall maintain a register of all grievances and complaints, irrespective of their source or categorisation under this policy.

4.7 The register shall only be accessible as follows:

4.7.1 Either in general, meaning the whole register, or in particular, meaning individual matters recorded on the register;

4.7.2 In general to the LVI Chair, and in particular to any individual LVI staff member approved by the Chair;

4.7.3 In general or in particular to LVI Committee of Management or Committee members as approved by the LVI Committee of Management;

4.7.4 Whether access is in general or in particular, the register will be made available in a de - identified form to the extent practicable in dealing with or reviewing a matter.

## **5. POLICY PROMOTION**

This policy will be made available to all members via the LVI website and shall be communicated to all staff and Committee of Management members.

## **6. COMPLAINT HANDLING PROCEDURES**

LVI will deal with all Complaints in a fair, timely and transparent manner. All complaints will be treated seriously. LVI will provide individuals with either a formal or informal process to resolve the matter, along with access to an external complaint handling body, based on the nature of the Complaint and our rules and regulations. LVI will maintain confidentiality where possible, as provided in this Policy, and seek to ensure that no one is victimised for making,



supporting or providing information about a Complaint. To ensure due process, consistency and that the principles of natural justice are followed in all aspects of handling or conducting Complaints, allegations, investigations, appeals and disciplinary measures, LVI will follow the procedures set out below.

**6.1 COMPLAINTS PROCEDURE** All Complaints will be kept confidential and will not be disclosed to another person without the Complainant's consent except if law requires disclosure or if disclosure is necessary to effectively deal with the Complaint. Individuals and organisations may also pursue their Complaint externally under anti-discrimination, child protection or other relevant legislation. If a Complainant wishes to remain anonymous, LVI will only be able to assist the Complainant to resolve their complaint to the extent possible. LVI does not encourage Complaints to be made on an anonymous basis unless there is a compelling reason, such as the Complainant has a genuine fear for their safety, or the safety of other people. Procedural fairness (natural justice) means that LVI is required to provide the person / people who are the subject of the Complaint (Respondent (s)) with full details of the Complaint so they have a fair chance to respond.

## **6.2 INFORMAL APPROACHES**

**6.2.1 Step 1: Talk with the other person (where this is reasonable and appropriate)** In the first instance, the Complainant should try to sort out the problem with the Respondent (s) if they feel able to do so.

**6.2.2 Step 2:** the Complainant should talk with a LVI Complaints Officer if:

6.2.2.1 The **step 1** is not possible / reasonable;

6.2.2.2 They are not sure how to handle the problem by themselves;

6.2.2.3 They want to talk confidentially about the problem with someone and obtain more information about what they can do;

6.2.2.4 If the problem continues after they have tried to approach the Respondent (s).

6.2.2.5 The Complaints Officer will:

6.2.2.6 Take confidential notes about the Complaint;

6.2.2.7 Try to find out the facts of the problem;

6.2.2.8 Ask what outcome the Complainant wants / how the Complainant wants the problem resolved and if they need support;

6.2.2.9 Provide possible options for the Complainant to resolve the problem;

6.2.2.10 Act as a support person if the Complainant wishes;

6.2.2.11 Refer the Complainant to an appropriate person (e.g. mediator) to help resolve the problem, if necessary;

6.2.2.12 Inform the relevant government authorities and / or police if required by law to do so; and

6.2.2.13 Maintain confidentiality.

**6.2.3 Step 3: Outcomes from initial contact.** After talking with the Complaints Officer, the Complainant may decide:

6.2.3.1 There is no problem;

6.2.3.2 The problem is minor and the Complainant does not wish to take the matter forward;

6.2.3.3 To try and work out their own resolution (with or without a support person such as a Complaints Officer);

6.2.3.4 To seek a mediated resolution with the help of a third person (such as a mediator);



6.2.3.5 To seek a formal approach.

### **6.3 FORMAL APPROACHES**

#### **6.3.1 Step 4: Making a Formal complaint**

6.3.1.1 If a Complaint is not resolved or informal approaches are not appropriate or possible, a Complainant may:

6.3.1.2 Make a formal complaint in writing to the LVI Chair;

6.3.1.3 Approach a relevant external agency such as an anti - discrimination commission, for advice.

6.3.1.4 On receiving a formal Complaint in writing and, based on the material the Complainant has provided, the LVI Chair will decide whether:

6.3.1.5 They are the most appropriate person to receive and handle the Complaint;

6.3.1.6 The nature and seriousness of the Complaint warrants a formal resolution procedure;

6.3.1.7 To appoint a person to **investigate** (gather more information on) the Complaint;

6.3.1.8 To refer the Complaint to mediation;

6.3.1.9 To refer the Complaint to the LVI Disciplinary Committee (VI) to refer the matter to the police or other appropriate authority; and / or

6.3.1.10 To implement any interim arrangements that will apply until the Complaint process set out in these Complaint Handling Procedures is completed.

6.3.1.11 In making the decision(s) outlined above, the LVI Chair will take into account:

6.3.1.12 Whether they have had any personal involvement in the circumstances which means that someone else should handle the Complaint;

6.3.1.13 The wishes of the Complainant and Respondent (s), regarding the manner in which the Complaint should be handled;

6.3.1.14 The relationship between the Complainant and the Respondent (s) (for example an actual or perceived power imbalance);

6.3.1.15 Whether the facts of the Complaint are in dispute; and

6.3.1.16 The urgency of the complaint, including the possibility that the Complainant will be subject to further unacceptable behaviour while the Complaint process is underway.

6.3.1.17 If the LVI Chair is the appropriate person to handle the Complaint they will, to the extent that these steps are necessary:

6.3.1.18 Put the information they've received from the Complainant to the Respondent (s) and ask them to provide their side of the matter;

6.3.1.19 Decide if they have enough information to determine whether the matter alleged in the Complaint did or didn't happen; and / or

6.3.1.20 Determine what, if any, further action to take. This action may include disciplinary action authorised by the LVI Chair in accordance with this Policy. This action can include restrictions placed on a LVI member or participant's involvement in landcare and / or any suspension of a LVI member or participant.

#### **6.3.2 Step 5: Investigation of the complaint**

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6.3.2.1 A person appointed under **Step 4** (or other authorised person) will conduct an investigation and provide a confidential written report to the LVI Chair or LVI Disciplinary Committee (depending on whom it has been referred to) who will determine what further action to take;

6.3.2.2 If the Complaint is referred to mediation, it will be conducted in accordance with Attachment d2 or as otherwise agreed by the Complainant, Respondent (s) and the mediator;

6.3.2.3 If the Complaint is referred to the LVI Disciplinary Committee, the hearing will be conducted in accordance with Attachment D5.

6.3.2.4 If the Complaint is referred to the police or other appropriate authority, LVI will use its best endeavours to provide all reasonable assistance required by the police or other authority.

6.3.2.5 It must be made clear to all parties that the investigator is not seeking to resolve the matter, nor to decide whether any breach of this Policy has occurred, nor to impose any penalty. Any decision about a breach of this Policy must be referred to an independent tribunal, and wherever possible, mediations should be conducted by an independent mediator. In appropriate circumstances (and as determined solely at the discretion of the LVI Chair) the Complainant may be liable for any costs or disbursements relating to the complaint process set out in this Policy (e.g. investigation and / or mediation and / or hearings).

### **6.3.3 Step 6: Reconsideration of initial outcome / investigation or appeal**

6.3.3.1 If, under the formal complaint process, mediation is unsuccessful, the Complainant may request that the LVI Chair reconsider the Complaint in accordance with **Step 3**.

6.3.3.2 The Complainant or the Respondent(s) may be entitled to appeal.

**6.3.4 Step 7: Documenting the resolution** The person appointed under **Step 4** (or other authorised person) will document the complaint, the process and the outcome. This document will be stored in a confidential and secure place at LVI.

## **6.4 EXTERNAL APPROACHES**

6.4.1 There are a range of other options available depending on the nature of a complaint. If a person feels that they have been harassed or discriminated against, they can seek advice from the anti-discrimination commission without being obliged to make a formal complaint. If the commission advises that the problem appears to be harassment within its jurisdiction, that person may lodge a formal complaint with the commission.

6.4.2 Once a complaint is received by an Anti - discrimination commission, it will be investigated. If it appears that unlawful harassment or discrimination has occurred, the commission will conciliate the complaint confidentially. If this fails, or is inappropriate, the complaint may go to a formal hearing where a finding will be made. The tribunal will decide upon what action, if any, will be taken. This could include financial compensation for such things as distress, lost earnings or medical and counselling expenses incurred.

6.4.3 If a complaint is lodged under Anti - discrimination law, the Complainant may use an appropriate person as a support person throughout the process. It is also common to have a legal representative, particularly at the hearing stage of a complaint.

6.4.4 The Complainant could also approach another external agency such as the police.

## **7. RELATED DOCUMENTS** Related LVI documents include the following:

7.1 LVI Rules;

7.2 Code of Conduct

7.3 Child Safety Policy

7.4 Privacy Policy