

## **Workforce Council – PSCQ - Conflict Resolution Policy**

**Scope:** Those organizations and persons that are linked to or are involved with Queensland's Professional Support Coordinator Project Model including PSCQ's Professional Support Services Providers (PSSP's) i.e. contractors, Inclusion Support Agencies (ISA), child care organizations, and all other staff and associates.

### **Related Documents**

- Workforce Council's Guiding Principles
- Workforce Council's Code of Conduct

### **Purpose**

This policy will provide an efficient, fair and accessible mechanism for resolving complaints, and ensure that Workforce Council's complaint handling process is transparent and comprehensive.

### **Guiding Principles:**

#### **Responsiveness**

Complaints need to be resolved openly and responsively. It is expected that all written complaints will be acknowledged in writing within **2 working days** and resolved in a timely manner. The process and timeframes for resolution will vary depending on the nature, complexity and timing of the issue.

#### **Fairness**

The process needs to be fair to both the complainant and the person/s against whom the complaint is being made.

All parties must be protected from victimization, discrimination or retribution. The process shall be based upon principle that includes the complainant's right to:

- be heard
- have their complaint treated seriously
- be informed of the processes of complaints handling
- be informed of the department's decision and reasons for that decision.

The person or contractor associated with PSCQ about whom the complaint is made shall have the right to:

- be advised of complaint
- collect sufficient detail to enable them to gather information and prepare a response to the complaint

- have the opportunity to respond to the person investigating the complaint and have their response taken seriously
- be informed of the processes of complaints handling
- be informed of the decision and reason for the decision.

### **Confidentiality**

To protect confidentiality and privacy, staff involved in handling complaints resolution must ensure that information is restricted only to those who genuinely need to know in order to deal with the complaint. Some information about the specific complaint may need to be disclosed to others during its resolution. The complainant needs to be informed of this.

### **Procedures:**

Complaints about any aspect of PSCQ's operations, service or personnel will be handled responsively, openly and in a timely manner, with the aim of resolving the complaints.

- It is expected that written complaints will be acknowledged within **2 working** days.
- The proposed timeframe required to resolve the complaint should be indicated to the complainant as early as possible in the process.
- Complainants should be kept informed of progress towards resolving the complaint.
- It is important that those handling complaints should be independent of the issue of the complaint. If a conflict of interest arises for a staff member involved in the receipt or management of a complaint, the Project Manager or Executive Director should be informed and alternate arrangements will be made.
- To protect confidentiality and privacy, staff involved in handling complaints resolution must ensure that information is restricted only to those who genuinely need to know in order to deal with the complaint. Some information about the specific complaint may need to be disclosed to others during its resolution. The complainant should be made aware that this might occur.
- When a complaint is documented all details should be recorded and filed appropriately.
- During the complaint process contact between the aggrieved parties will only occur with the mutual consent of all parties.
- Complainants should be reassured that their complaint will not lead to discrimination. The response to the issues raised by the complainant should be in a non-judgemental and courteous manner.

- The staff person, contractor or appropriate service provider about whom the complaint is made shall have the right to be advised of the complaint and if appropriate, the identity of the complainant.
- Any person(s) who has lodged a formal complaint shall be entitled to either stop or withdraw from the process at any stage.
- Any person(s) lodging a formal complaint shall be entitled to the involvement of a support person who may be present and involved in all discussions at any stage of the process. Complainants with special needs must be offered reasonable assistance to make their complaint. Information on the process should be readily available, expressed in plain English and in other community languages where possible, in large print or through audiovisual means.
- Copies of this policy will be made available to all staff and organizations that network, or are contracted with Workforce Council, and to members of the community who use PSCQ's services.
- No action will be taken on anonymous complaints except in exceptional circumstances.

The types of disputes that are covered and those grievances and problems that can arise include:

- Grievances over working or learning arrangements, decisions or conditions affecting the complainant. Examples include dissatisfaction with services provided by or through PSCQ e.g. feedback about a training session or contact with PSCQ's 1800 number;
- A perceived conflict of interest;
- Bullying or psychological abuse, abuse of power or coercive management practices whether they be between or involve PSCQ staff and contractors or childcare workers;
- Interpersonal grievances;
- Harassment and discrimination, for example on racial or sexual grounds
- Behaviour that is inconsistent with that required by Workforce Council's Code of Conduct and Organisational Charter.

## **The Resolution Process**

- Concerns and issues exist that may be resolved informally without the need to follow a formal complaints process. In such cases, complainants or their representatives are encouraged to initially raise issues or concerns informally with the relevant member of staff or PSCQ contractor. Discussing the issue or concern may clarify the situation and resolve any misunderstandings satisfactorily.
- If the issue or concern has not been resolved satisfactorily, complainants or their representatives should talk to the Project Manager.
- Where a resolution is not achieved at this level, or if the complaint is related to the Project Manager, complaints may be referred to the Executive Director or to the Chair of Workforce Council's Board.

Positive resolution of a complaint should aim to:

- seek resolution at the level at which the complaint is made;
- gain agreement of the parties, including those steps necessary to gain that agreement, and

Steps include:

- The need to consider all the relevant information and the views of all parties. Each position must be heard, followed by a relevant response.
- Each party describes the dispute in their own words and then lists those issues of concern which are then explored. This exploration must be done in a safe, controlled and respectful environment in order to reach an acceptable solution.
- After issues of concern are discussed, parties must generate and discuss options for resolution. When an agreement is reached, all aspects of the agreement must be tested for workability and clarity to ensure that everyone understands the agreement and accepts it.

Take into account all other Workforce Council's related policies and procedures

## **Record Keeping:**

All complaints that cannot be resolved informally should be recorded and kept in the relevant file. Details should include:

- The nature of the complaint, including who the complaint relates to;
- Response time, and the process used to resolve the complaint;
- Staff members involved in handling the complaint;
- Action taken and outcomes, and
- Affirmative and critical feedback

## Review of Decisions

- If the complainant feels that the complaint has not been resolved satisfactorily they may apply in writing to the Chair for a review of the decision.
- The application must set out the grounds on which the review of the decision is sought.
- The Chair will review the processes and determine if the appeal is to be dismissed or upheld and advise the complainant in writing of the outcome within **28 days** after the application for review has been received.

## Other Formal Alternatives:

In some instances, further assistance may be available to individuals in resolving a concern or complaint. Further agencies that may be able to assist include:

- ACT Human Rights Office - in instances of discrimination.
- The Ombudsman - for complaints about Workforce Council's actions or decisions
- Privacy Commissioner - for complaints about interferences with privacy under the Privacy Act and related legislation.

## Definitions:

**Complainant** – any community member making a complaint, including childcare workers, a service provider or a contractor associated with PSCQ.

**Complaint** – an expression of dissatisfaction with an interaction, or a service provided with a PSCQ staff member or an associated contractor, a decision made or an action taken.

**Formal complaint** – a complaint which is:

- submitted by letter or email
- a verbal complaint that is documented

**Bullying** – defined as the repeated less favourable treatment of a person by another or others, which may be considered unreasonable and inappropriate. It includes behaviour that intimidates, offends, degrades or humiliates a person, possibly in front of colleagues or other associates.

**Conflict of Interest** – defined as conflict between an individual's personal interest and his or her public duty. This can exist whether or not money is involved, and whether the conflict is actual or only perceived. For example, a conflict of interest may arise where a PSCQ staff member handling a complaint is perceived as having a **personal relationship** with the complainant, or the person who is being complained about, that may inturn impact upon the overall work or service provided.