

## CONFLICT & COMPLAINT MANAGEMENT SYSTEM

L\_M 20

### Purpose & Scope:

To outline each stage of the conflict management system.

### Definitions:

**Dispute** – differences that are manifested in emotional tension, relational separation and combative behaviour. Often a result of poor communication, misunderstanding or discourtesy.

**Complaints** - the act of expressing dissatisfaction with any aspect of the services, environment, or management at Wintringham. Will generally include either serious injury, professional misconduct, unethical or unlawful acts, serious breach of standards or level of competency.

**Grievance** – any condition of employment that the employee feels is unjust or unfair or believes should be brought to the attention of Wintringham management. To assure prompt attention, grievances should be submitted within five working days of the event prompting the grievance.

**Conflict** – the matter that may give rise to a dispute, complaint or grievance.

### Responsibility:

Program Managers, Site Managers, General Managers to ensure all conflicts are effectively dealt with.

### Policy:

- Our commitment to the provision of quality services is evidenced further by our values 'Options, Dignity and Rights'. It is with these values in mind that we promote the rights of all stakeholders to resolve any conflict through dispute resolution or by raising a complaint or grievance.
- We acknowledge the right of all stakeholders to a support person of their choice
- We will view all conflicts as opportunities for improvement and work to address matters raised and further, to apply solutions identified throughout the organisation to help ensure that the same problem is not experienced again.

### Procedure:

- 1.1 The Wintringham Conflict Management System guides stakeholders in the resolution of conflict.

Until the conflict is resolved, work shall continue in accordance with the custom or practice existing before the conflict arose unless senior management directs otherwise.

1.2 **Self-Resolution**

In the first instance, if a person has a dispute or a complaint, they should discuss these concerns with the other party.



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During this discussion, the initiator should use “I” statements, be specific, state facts accurately, ask for the other person’s explanation and state their desired outcome.

The parties may also make some agreement as to how they will monitor the situation to ensure they avoid further conflict in the future.

The advantages of self-resolution include:

- Self-resolution is not a formal process and no documentation is required
- The initiator can address the issues at the earliest opportunity
- The initiator maintains control of the outcome
- Better relationships may be fostered
- Decreased stress for everyone involved

Self-resolution only involves the two parties, so a support person would not participate in the discussion. Support persons are welcome to provide support before and/or after the discussion.

1.3 If the conflict cannot be resolved through self-resolution, the pathway for conflict resolution may be reviewed.

1.4 No matter will be limited by the path chosen – conflicts can be addressed as either complaints or grievances and complaints may be handled as disputes. All stakeholders are entitled to a support person or union representation at any time during the complaints and grievance process.

1.5 **Timelines**

All Assisted Resolutions, Complaints and Grievances must be documented on a Complaint Form and investigations must commence within two (2) working days of identification of the conflict.

To assure prompt attention, any matter of conflict should be submitted within five (5) working days of the event prompting the conflict.

1.6 **Documentation**

All Assisted Resolutions, Complaints and Grievances and associated Investigations and any written resolutions must be prefaced by the completed Complaints Form which will summarise the matter. This summary will be entered into the SamCare database and every six months information in SamCare will be collated and an analysis of trends undertaken. Full documentation will be held in a confidential file.

Client/Resident matters will also be recorded in Client/Resident Files incorporating Open Disclosure process (Open Communication L\_M 23) as relevant.

Outcomes of staff matters will form part of the Employee Record.



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### 1.7 Persistent Complaints

Where a stakeholder raises the same conflict regularly without apparent reference to previous resolution, managers are encouraged to discuss the issues of concern at case conference; where solutions to the concerns raised can be discussed. Case conference may recommend the use of a Cumulative Complaint Feedback Form (L\_M Fm 20c), which should be used to record consecutive feedback about the **same issue**. This form should be linked to an initial complaint and or feedback. Please refer to the Managing Persistent Complaints (L\_M 20A) policy at this point.



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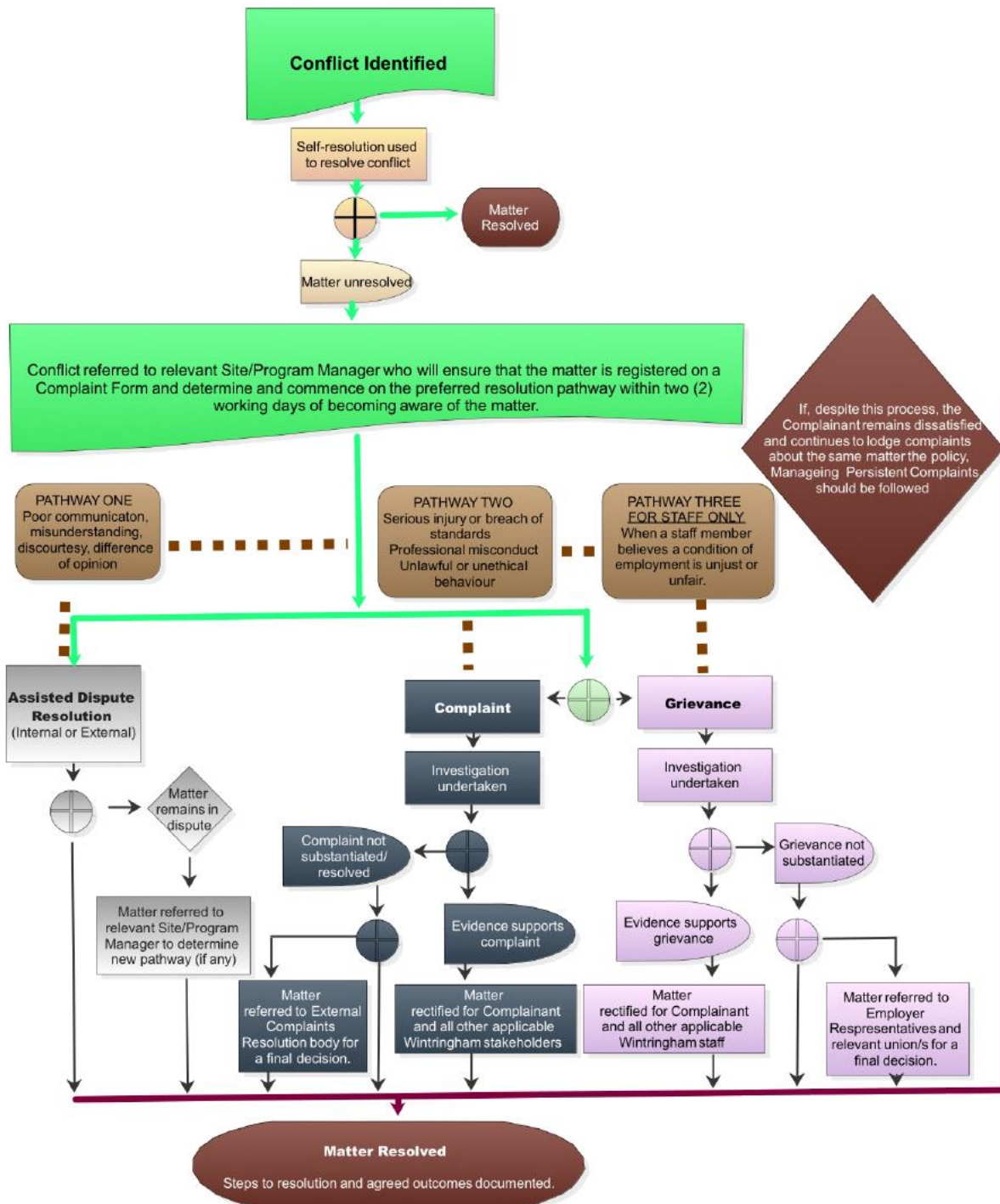


Diagram One: Pathways used to resolve conflict

### PATHWAY ONE: DISPUTE RESOLUTION

#### 2.1 Assisted Resolution (Internal)



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If an individual has attempted self-resolution, or if they require support to address their concerns with the other party, they may request assistance from another person within the organisation.

The third party may be any person with whom both parties feel comfortable. Staff would usually put the request to the Human Resources or Industrial Relations Manager, clients and residents would usually access the relevant Site or Program Manager.

The role of the third party is to be neutral and to facilitate the conversation between the two parties in conflict. This will involve allowing parties to talk through their issues and encouraging them to develop options that both can agree to about how they can resolve their concerns.

Before the discussion takes place, all parties should agree that the contents of the discussion will remain confidential. After the discussion has concluded, the parties may choose to share the contents of the discussion with mutually agreed, specified others.

The advantages of assisted resolution (internal) include:

- Parties may be more confident in conveying how they feel
- It can occur more quickly than some other resolution options
- Parties maintain control of the outcome
- A written or verbal agreement may include a resolution process if issues occur again
- Better relationships may be fostered.

### 2.2 Assisted Resolution (External)

If internal resolution options have not been successful, or an appropriate internal third party is not present, Wintringham may seek external assistance to resolve the conflict.

In these instances, the relevant General Manager will engage a nationally accredited alternative dispute resolution (ADR) practitioner to work with the parties to resolve their concerns. The practitioner will advise parties about the requirements for confidentiality, the voluntary nature of the process and the roles of the parties and practitioner before commencing any ADR process.

The advantages of assisted resolution (external) include:

- Parties may be confident that the person assisting them is neutral
- Parties may be more reassured when a trained professional is assisting them
- Parties may feel more conformation with a structured process
- Parties maintain control of the outcome
- A written or verbal agreement may include a resolution process if issues occur again

## PATHWAY TWO: COMPLAINT MANAGEMENT

### Managing a Complaint



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All Complaints will be referred to the relevant Site or Program Manager as soon as is practicable after they become known.

In the first instance the Site or Program Manager will establish the nature of the complaint.

When considering a complaint Site or Program Managers will refer on to the relevant Executive Manager any matters that they feel they are not able to investigate. The most common reasons for an upwards referral of a complaint will include:

- Any matters that refer to the Manager;
- Circumstances in which the Manager feels they cannot be objective in their investigation;
- Matters that may extend across more than just that Manager's jurisdiction
- Matters that may bring Wintringham's name into disrepute.
- Matters which require incorporation of Open Disclosure processes (Open Communication L\_M 23)

The relevant Executive Manager will appoint the Complaint Investigator in all upward referrals.

The Complaint Investigator will be responsible for assessing the complaint and identifying any action required to eliminate a re-occurrence.

The Complaint Investigator will provide feedback to the complainant within seven (7) working days. If this time line cannot be met due to the nature of the investigation, the complainant should be given an alternative time line.

During an **investigation** process all parties should be supported whilst the investigator works to gather all relevant information and to determine the facts. The principles of natural justice and procedural fairness apply to this process and any subsequent disciplinary process that may commence as a result of the findings of an investigation. In order to ensure that all parties involved in an investigation can be supported whilst also ensuring that the investigation process and subsequent disciplinary process is fair and unbiased, the following roles will be allocated to separate responsibilities:

*Decision Maker* – Responsible for initiating the investigation and making a final decision following the conclusion of the investigation.

*Investigator* – Responsible for investigating the complaint, gathering all relevant evidence, and producing a report of the findings for the Decision Maker.

*Support Person* – Any staff member that is required to take part in an investigation process will be offered a support person. This may be an internal support person or a union representative. Manager's involved will also be offered a support person which may be their direct manager or another senior member of staff (if appropriate).



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If the Complainant is not satisfied with the outcome the matter, the complainant can launch an appeal and the matter will be referred to the relevant Executive Manager for a determination.

External avenues available to Wintringham clients and/or their representatives will be displayed in a prominent position in all Residential Aged Care facilities, Supported Residential Services, listed in the Complaint Process for Clients and Residents and detailed in the Client Handbook for non-residential clients.

The Chief Executive Officer (CEO) and Board will be advised of all complaints referred to external schemes for resolution.

### **PATHWAY THREE: GRIEVANCE**

#### **Grievance Procedure (for STAFF ONLY)**

In the first instance, the employee should refer their grievance to their immediate supervisor. If the Supervisor is not able to provide a solution to the grievance that is acceptable to the staff member, the matter can be escalated to the relevant Site or Program Manager. Where the Manager is unable to resolve the grievance or where the right or wrong of the issue is unclear, the grievance must be referred up to the relevant General Manager, Industrial Relations Advisor and/or the Human Resources Manager for investigation. Following completion of the investigation the CEO will be consulted with regards to the final resolution to be offered to the staff member concerned. The staff member will be advised of this decision.

If after the above steps have been taken to resolve the grievance, and the grievance still remains unresolved, then a meeting will be arranged with representatives of the Employer and the relevant union or unions for decisions which, shall be accepted by the parties as ending the matter. In most instances this will be the Fair Work Commission, Australia.

To ensure the procedure operates efficiently, all steps must be well documented by the Senior Person effecting the action. As far as possible, the reports and other documentation should be agreed to and signed by all parties, at the earliest opportunity.



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### References:

Aged Care Act 1997  
Aged Care Quality Standards 2019  
NDIA Act 2013  
NDIS Practice Standards 2019  
HACC Manual 2013  
SamCare  
Australian Business Excellence Framework 2000 Category 3-6  
Supported Residential Services (Private Proprietors) Act 2010  
Supported Residential Services (Private Proprietors) Regulations 2012  
AS/NZS ISO 9004:2000 8.1, 8.1.2, 8.2.1.2  
AS/NZS ISO 9001:2000 8.1, 8.2, 8.2.1  
HRM 22 Grievance  
L\_M 1 Philosophy, Vision, Mission and Values  
L\_M 7 Key Performance Indicator  
L\_M 8 Performance Measurement  
L\_M 9 Commitment to Quality  
L\_M 18 Feedback and Improvement  
L\_M 20A Managing Persistent Complaints  
L\_M 21 Complaint System Model  
L\_M 23 Open Communication  
L\_M Fm 20c Cumulative Complaint Feedback Form

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