

COMPLAINTS HANDLING GUIDELINES

1. Introduction

The Australian and New Zealand Intensive Care Society (ANZICS) is committed to maintaining the highest standards of integrity, accountability, and transparency in all its operations. This document outlines guidelines the procedures to ensure that concerns and grievances are addressed promptly, fairly, and effectively. ANZICS recognises the importance of providing a confidential process for stakeholders to voice their concerns. By fostering an environment of open communication and continuous improvement, ANZICS aims to uphold the trust and confidence of all its stakeholders.

2. Purpose

The purpose of this Guideline is to provide a clear, structured, and accessible process for lodging, managing, and resolving complaints related to ANZICS operations and activities. This document is intended to be a guide as to the procedures ANZICS has in place which may assist employees in resolving grievances. As each grievance will differ, ANZICS will determine the most appropriate method of addressing the grievance raised.

ANZICS seeks to uphold its commitment to accountability and continuous improvement, fostering trust and confidence among stakeholders, including members, partners, donors, and the public.

This Guideline does not form any part of any employment or engagement contract. It is not intended to give rise to contractual rights against ANZICS.

3. Scope

This Guideline applies to all ANZICS employees, contractors engaged by ANZICS, volunteers, partner staff, external stakeholders and extends to all Board members.

4. Definitions

<p>Complaint, Issue or Grievance</p>	<p>A complaint, issue or grievance is any work-related complaint or concern which is raised by an employee, where an action, response or resolution is sought. Some examples include, but are not limited to:</p> <ul style="list-style-type: none"> • A complaint against another employee in respect to unfair treatment, conflict or behaviour as outlined in ANZICS' Appropriate Workplace Behaviour Policy; • A complaint against a manager in relation to perceived unfair or inappropriate treatment in a process or decision relating to employment, e.g. performance or management of an issue; • A complaint in respect to a broader issue, e.g. work environment, safety etc. <p>A grievance may be lodged by a single employee or a group of employees. Where more than one employee has lodged a complaint relating to the same, or substantially the same, issue, the complaints may be dealt with together in the interests of fair and consistent decision making.</p>
<p>Natural Justice</p>	<p>Refers to a process that is fair to all parties and free of bias. The principles include the right for an affected person to be heard before any decision which has the potential to affect them is made, the right to be informed of allegations made, the right of response, the right to consistency in approach to issues and the right to a support person at formal meetings.</p>
<p>Conciliation</p>	<p>Conciliation is a process where the person raising the complaint, issue or grievance (the reporter) and the person who the issue has been raised against (the respondent) are assisted to try and reach a mutually acceptable solution. The purpose of conciliation is to:</p> <ul style="list-style-type: none"> • Find a resolution; • Explore ways in which the parties can ensure the solution that caused concern or distress does not reoccur; and • Remedy, where possible, any disadvantage suffered. <p>The Manager, Manager Once Removed (MOR), or other relevant party, can conduct a conciliation in line with this Guideline and may facilitate the conciliation.</p> <p>Conciliation may involve:</p> <ul style="list-style-type: none"> • A series of separate meetings between the conciliator and each person involved, where the conciliator acts as a go-between • A single meeting where the reporter and the respondent meet face-to-face with a neutral third party (the conciliator) in a joint session • A mix of the two previous approaches.
<p>Vexatious Complaints</p>	<p>A vexacious complaint is a complaint that is frivolous or malicious, where the person making the complain does not have sufficient grounds for action and is seeking only to annoy or cause trouble for the respondent.</p>

5. ANZICS' Guiding Principles Responsibilities

- 5.1 All matters will be handled adhering to the principles of procedural fairness and maintaining the confidentiality of those involved. We recognise that the information provided or gathered during an issue resolution process can be of a personal and sensitive nature and as far as reasonably practicable, information will be treated in a confidential manner.
- Sometimes, when considered appropriate, to fully investigate the issue or in the interests of finding the best resolution, information may need to be shared with other people. Generally, reporters would be advised ahead of any disclosure.
- Anyone found to have breached confidentiality by sharing information inappropriately/unnecessarily or engaging in gossip or innuendo about a complaint, issue or grievance, may be subject to disciplinary action.
- 5.2 A person making a complaint to ANZICS can choose to be identified, maintain confidentiality, or specify anonymity. If an anonymous or confidential complaint is made, ANZICS will acknowledge the complaint but may decide not to proceed with addressing it at its own discretion, for instance, to ensure procedural fairness.
- 5.3 ANZICS will manage all matters according to the principles of natural justice and procedural fairness and in accordance with relevant law where applicable.
- 5.4 Issues raised must not be frivolous, vexatious or malicious or used to distract the attention from other issues (e.g. avoiding genuine personal performance management of improvement issues) this behaviour is serious and may result in disciplinary action or dismissal.
- 5.5 All complaints will be recorded in a confidential database in accordance with ANZICS' privacy policy.
- 5.6 Where appropriate, and where possible with the consent of the reporter, ANZICS may share information with other relevant institutions or regulatory bodies or direct complaints to them, depending on the nature of the complaint and the jurisdiction best equipped to handle it. In the case of allegations of a criminal nature, ANZICS retains the right to report the matter to the police without consent of the reporter.
- 5.7 In line with the Australian Council for International Development (ACFID) Code of Conduct is committed to recognising the importance and value of listening and responding to concerns and complaints in a safe and confidential manner as outlined in Principle 7.3.3.

6. Acceptance of Complaints

- 6.1 The Executive of the ANZICS Board of Directors may offer advice and support regarding the enquiry which may lead to lodgement of the complaint.

- 6.2** In determining whether a complaint is suitable for ANZICS to address, the following factors may be considered:
- 6.2.1** A complaint should provide sufficient detail to identify the relevant conduct and how it may have fallen below expected standards.
 - 6.2.2** ANZICS may choose not to handle a complaint if it is being, or has already been, substantively addressed or investigated by another body. However, if the complaint involves serious issues or significant concerns, ANZICS may still consider it, despite previous handling by another entity.
 - 6.2.3** Complaints arising from commercial dealings will not be considered by ANZICS.
 - 6.2.4** Complaints related to breaches of the ACFID Code of Conduct should be submitted to the ACFID Code of Conduct Committee in writing to code@acfid.asn.au.

7. Issue Resolution Process

As the circumstances of each complaint, issue or grievance will differ, ANZICS will determine the most appropriate method of dealing with the complaint, issue or grievance. This may vary depending on the nature of the specific issue and a number of other factors. Potential steps for resolving an issue are outlined below. In particular circumstances, it may not be necessary for an issue to move through each step in the resolution process.

Step 1: Discussion with other party

We encourage an environment of collaboration, accountability and empathy. Many issues can be resolved informally by speaking directly with the person concerned.

If you feel that you have been subjected to any form of unacceptable workplace behaviour, and you feel comfortable doing so, we encourage you to raise your concerns directly with the person involved. Where possible you should “call out” the unacceptable behaviour when it is happening. This approach should make the other person fully aware that their behaviour is unwelcome, or that you feel it is unacceptable. It may be that the person was not aware that their behaviour was unwelcome or caused offence.

We also recommend that you maintain a record of events that occur, including details such as, time, place, who was involved, what happened and any witnesses to the incident as we may need to rely on this information later.

Step 1 is not a compulsory step.

Step 2 - Manager supported informal resolution

If you do not feel comfortable confronting the person, or you confront the person and the unacceptable behaviour continues, you should refer the matter to your manager for discussion. If the employee believes that

their manager is not the appropriate person to be handling the matter then the matter should be raised with their Manager Once Removed (i.e., their manager's manager).

The Manager, in consultation with the General Manager or member of the Executive, will determine the most appropriate response, which may include, but not limited to:

- Listening to your concerns and desired outcomes
- Gathering any relevant information to understand the concerns
- Facilitating a discussion, and hopefully a resolution, between the parties
- Reclarifying expectations with all parties involved
- Monitoring the situation during and after resolution process

Your manager will look to address the issue and aim to resolve it as quickly as reasonably practicable after you have raised your concerns. The informal resolution process is suited to less serious allegations or where there is no factual dispute regarding whether the unacceptable behaviour occurred. In the informal resolution process, there is no decision made about what did or did not occur, rather, the Manager will attempt to facilitate an outcome that is acceptable to all parties. If it becomes clear during the discussions that the issue is a performance issue, then your manager may proceed with performance management.

Mediation

In some instances, it may be appropriate for your manager or member of the Executive, to offer mediation to the parties involved to assist in the resolution of the issue. Participation in mediation is voluntary. Mediation may be offered through a third party.

Formal Resolution

In situations where a complaint cannot be resolved informally, or the informal complaint procedure is not considered to be appropriate, the complaint will be resolved formally. The formal complaint procedure may involve conducting a formal investigation into the allegations raised by the reporter.

Step 3: Formalise the complaint

Generally, a formal grievance should be lodged with your manager in writing. Once a formal complaint is lodged, ANZICS will carry out a preliminary investigation and determine the most appropriate response, specifically whether a formal investigation is necessary.

Where a formal investigation is determined appropriate, it will generally involve:

- Conducting a formal meeting to collect any information relating to the allegations being made.
- Listening to your concerns and desired outcome.
- Explaining the issue resolution process and ensuring you have understood this Guideline.

- Informing the respondent of the allegations made against them and providing them with an appropriate opportunity to respond.
- Approaching witnesses (if needed), in a careful manner, to maintain confidentiality, as far as practicable.
- Keeping all relevant parties informed about the process of the matter.
- Documenting the outcomes of the issue; and
- Monitoring the situation during and after the resolution process.

It may be determined that engaging an external investigator is necessary due to the nature of the concerns or other relevant factors.

7.1 Possible Outcomes

If it is found that an ANZICS Policy has been breached or unlawful behaviour has occurred, appropriate disciplinary action may be taken, which in serious circumstances may include termination of employment (or ending the engagement or relationship) with ANZICS. If a law has been broken, there may also be personal liability.

Other possible outcomes may include:

- disciplinary action to be taken against the respondent (counselling, warning or dismissal);
- staff training or coaching.
- additional training for the respondent or all staff, as appropriate.
- support and/or counselling for the reporter.
- one or both parties agreeing to participate in some form of counselling/mediation; and or
- The reporter gaining a better understanding of the situation and no further action is taken

8. External Stakeholder/Member Complaints Procedure

If an external stakeholder or member wishes to make a complaint about ANZICS, whether concerning individual treatment or broader organisational issues, please follow these steps:

1. **Initial Contact:** For specific issues related to individual treatment, if you feel comfortable, inform the person involved directly that their behaviour is unacceptable and against ANZICS policies. For broader organisational complaints or if you prefer not to approach them directly, proceed to the next step.
2. **Contact ANZICS:** Reach out to ANZICS through our official complaints handling process. This includes contacting a project manager, program coordinator, or emailing anzics@anzics.org. Ensure you document your complaint in writing, detailing the issue and any relevant information.
3. **Submit a Formal Complaint:** If you are not satisfied with the initial response or if your complaint pertains to broader organisational matters, submit a formal complaint through our official channels. This may include email or written correspondence. Written correspondence sent by overland mail should be

sent by recorded delivery.

Contact Details	
Email	anzics@anzics.org
Phone	+61 3 9340 3400
Address	Level 1/101 High Street Prahan 3181 Victoria, Australia

4. **External Avenues:** If you are dissatisfied with ANZICS's response or resolution, you may escalate your complaint to external bodies such as the Australian Human Rights Commission or other relevant regulatory authorities.

8.1 Possible Outcomes

If a complaint is substantiated, potential outcomes may include:

- Disciplinary action against involved parties (e.g., counselling, warning, or dismissal).
- Organisational changes or improvements based on broader complaints.
- Additional training or policy adjustments.
- Support or counselling for the reporter.
- In serious cases, potential criminal liability or regulatory action.

9. Monitoring and Review

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Responsible Person	General Manager