

(DBsa018)

PURPOSE: To respond to the SPSF Turana Sub Branch question "What is the discipline process followed for the investigation of allegations made against staff members by trainees?"

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BACKGROUND:

Complaints/allegations by remandees/trainees against staff, although not frequent, can cover a range of matters from the very minor to the very serious.

Legislation, policy and practice as outlined in the Manual of Instructions provide the basis and direction for action in all cases. Local or institutional history, culture and practice can inform interpretation where this is allowed or required in the implementation of instructions.

Underlying the process for handling all complaints/allegations is the following:

- a belief in the right of remandees/trainees at Turana to make complaints/allegations;
- recognition of the fact that the power structure in institutions makes it difficult to ensure that remandees/trainees have a real opportunity to exercise their rights and do not suffer negative repercussions as a result;
- recognition of the fact that some complaints/allegations against staff may not be factually based;
- confidence in the commitment of the majority of staff to the professional exercise of their job consistent with legislative policy and procedural requirements;
- a commitment to lift the standard of practice in the institution by a range of strategies including use of the discipline process when this is appropriate;
- recognition that there is a tradition of "a code of silence" amongst staff with regard to pertinent information regarding allegations against fellow staff members, not unlike the "code of silence" amongst residents of some institutions;
- recognition of the fact that there is a lack of confidence by some staff in how management has been seen to handle discipline matters in the past and that staff moral will be enhanced by confidence in the process.

PROCEDURES FOR HANDLING COMPLAINTS AND ALLEGATIONS BY TRAINEES AGAINST STAFF:

All allegations and complaints by remandees/trainees against staff will be brought to the immediate attention of the CEO and certainly within 48 hours. In the absence of the CEO the Manager, Operations is the CEO's delegate.

The CEO as a priority will:

- assess the information received;

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- seek further information as seen fit to establish the standing of the allegation; and
- make an assessment of the information with regard to its veracity and the nature/seriousness of the allegation.

On the basis of the assessment the CEO may:

- advise the remandee/trainee that no further action will take place as a result of the complaint/allegation;
- refer the complaint/allegation to the relevant Unit Manager for investigation and action (Draft Grievance Procedure guidelines will become relevant here),
e.g. trainee "rights" matters, work practice and code of conduct matters such as language, attitude, failure to comply with requirements for documentation, supervision;
- refer the matter to the Police for investigation where preliminary enquiries appear to warrant this,
e.g. allegations of criminal nature except where trainees refuse to proceed with assault allegations via police;
- refer the matter to the Discipline Unit for investigation where preliminary enquiries appear to warrant this,
e.g. allegations of assault, serious and repeated dereliction of duty of care, code of conduct procedures; and
- co-operate with any preliminary and/or formal investigations undertaken by the Discipline Unit or the Police in order to expedite the process as quickly as possible.

Following assessment and referral of any allegation for investigation to the Police or the Discipline Unit, full responsibility for the investigations transfers to that body and Turana Management does not proceed with a parallel investigation of the same matter.

DIANA BATZIAS
CEO Turana
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