

YAMM Complaints Resolution Policy

Name:	Complaints Resolution Policy	Responsible Officer:	Grievance Officer
Approving Authority:	Yoga Association of Mangrove Mountain	Date of Adoption:	01/01/2014
Due for Review:		Last Amended:	

Complaints Resolution Policy Statement

The Yoga Association of Mangrove Mountain (YAMM) is committed to a fair and just system for responding to complaints from its residents and visitors. This policy ensures complaints are dealt with sensitively, confidentially, effectively and promptly, at no charge to the complainant.

a) Definitions

Complaint: Any problem, concern or complaint about a person or the workings of the Ashram

Grievance Officer: Staff member appointed by YAMM as the person responsible for receiving and investigating complaints.

Independent person or panel: a person or panel of persons appointed by YAMM to review appeals against the formal resolution of a complaint. The person or panel of persons will be independent of, and have no prior involvement in, the subject of the complaint. The person or panel may call on outside expertise if required.

b) Reference

Legislation:

- Commonwealth Human Rights and Equal Opportunity Act 1986
- Victoria Equal Opportunity Act 1995
- NSW Anti Discrimination Act 1977
- Commonwealth Racial Discrimination Act 1975
- Commonwealth Sex Discrimination Act 1984
- Commonwealth Disability Discrimination Act 1992

Links to other Policies and Documents

- Sexual Harassment Policy
- SYA Policies

c) Principles underlying Policy

- This policy ensures complaints are dealt with sensitively, confidentially, effectively and promptly.
- This policy is available to all personas attending the ashram, staff, residents, course attendees and visitors.
- This policy ensures all complainants and respondents are treated fairly and not subject to any victimisation or discrimination.
- Complaints and grievances are dealt with by a process that is easily accessible and at no cost to the complainant.

- Information about this policy will be freely available to all at the Ashram.

d) Outcomes of this Policy and Procedures

- All staff, residents, course attendees and visitors are aware of the complaints policy and procedures and support available.
- Complaints are resolved in a fair and open manner.
- All parties are treated with dignity and respect.
- A written record is kept of all complaints, appeals and outcomes, retained for at least five years, and accessible to all parties to the complaint.

e) Evidence of Compliance

- Information on the policy is available through various methods, e.g. notices, handbook information, orientation programs.
- Register of complaints, process and outcomes, retained for at least five years.
- Feedback system for corrective action.

f) Operational Procedures

Informing residents and visitors of policy and procedures

The Grievance Officer will:

- Ensure all those attending the Ashram and other stakeholders are informed about this policy and the complaints procedure by written information and induction procedures.
- Ensure relevant staff and residents are informed and trained in this policy in their induction processes.

Informal resolution of complaint

- Complaints may be made verbally and informally to the Grievance Officer, who will:
 - Explore with the complainant if the matter can be resolved by direct communication with the person against whom the complaint is made.
 - Attempt informal resolution, if appropriate, by mediation.
 - This step is not mandatory, and complaints may be initiated immediately at the formal stage

STEP 1: Formal complaint

If informal resolution is unsuccessful or inappropriate, the complaint becomes formal.

- Formal complaints must be made in writing.

The Grievance Officer will, in the case of a formal complaint:

- Provide each complainant or appellant the opportunity to formally present their case at no cost.
- Allow each party to be accompanied and assisted by a support person.
- Have a person take notes.
- If appropriate, seek resolution through mediation or conciliation.
- Consult as appropriate.
- Decide on appropriate action.
- Provide each complainant or appellant a written statement of the outcome, including details of the reasons for the outcome.
- Record in writing the outcome and enter in the 'Register of Complaints'.
- Retain records of grievances, appeals and outcomes for at least five years and allow parties to the complaint appropriate access to these records
- Ensure these records are treated as confidential

- Commence this process within 10 working days of the formal lodgement of the complaint.
- Take all reasonable measures to finalise the process as soon as practicable.

STEP 2: Internal Investigation by Senior Officer

If not resolved by step 1, the Grievance Officer will refer the complaint or grievance to a member of the Management team.

The Management team will:

- Appoint an independent and impartial senior officer, to investigate the circumstances.
- Provide the complainant with the opportunity to formally present their case at no cost.
- Allow each party to be accompanied and assisted by a support person.
- Decide on appropriate action.
- Advise all parties, in writing, of the decision, including details of the reasons for the outcome.
- Inform the complainant of their right to access the external review process if they are not satisfied with the result or conduct of the internal process,
- Record the outcome in writing and send to the Grievance Officer for filing in the 'Register of Complaints',
- Retain records of complaints, grievances and outcomes for at least five years and allow parties to the complaint appropriate access to these records
- Ensure these records are treated as confidential
- Commence this process within 10 working days of receipt of the formal complaint and complete the process within 20 working days of the complaint.
- Ensure all complainants and respondents are treated fairly and subjected to victimisation or discrimination.

STEP 3: Appeal

If either party is not satisfied with the result or conduct of the internal complaint process, they have the right to appeal to an independent person or panel at no cost.

The independent person or panel will:

- Be independent of, and external to, YAMM and shall not have had previous involvement with the subject matter or grounds for the complaint.
- May draw on independent outside expertise as required. This may include an approach to Satyananda Yoga Teachers Association (SYTA) or a professional dispute resolution service.
- Give each appellant the opportunity to formally present their case and inform them that they may be accompanied by one other person as support or as representation.
- Make a decision on the complaint and the action that should follow. Its decision will be binding on all parties.
- Give each party a written statement of the appeal outcomes, including the reasons for the decision.
- Commence this process within 15 working days of the appeal being lodged.
- Take all reasonable measures to finalise the process as soon as practicable.

Appellants will be informed of their right of appeal to the NSW Anti-Discrimination Board, Human Rights and Equal Opportunity Commission, NSW Industrial Relations Commission, Australian Skills Quality Authority.

Resolution of Complaints

At any step in the process, resolution of a complaint may result in a number of actions:

- These may include an apology, written warning, counselling, demotion, dismissal or other action for the person complained against.
- An inconclusive investigation may lead to training for all staff in the issue concerned and the situation being monitored.
- A false or malicious complaint may result in disciplinary action against the complainant.

g) Documents

- Register of Complaints, detailing complaints, steps taken, outcomes.