



MAHI MIHINARE  
ANGLICAN ACTION

# Complaints and Compliments Policy

It is the policy for Anglican Action to have clear guidelines for the process of receiving complaints and compliments.  
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# COMPLAINTS AND COMPLIMENTS POLICY

## PURPOSE

The purpose of this policy is to set out clear guidelines for the process that should occur when compliments are received from sources outside Anglican Action, or there is a complaint against Anglican Action, or a staff member.

## DEFINITIONS

Violence includes verbal abuse and threats, physical attacks and other forms of harassment.

## PROCEDURES FOR COMPLIMENTS

There are occasions when people who have been well supported wish to express their appreciation.

They can be encouraged to do so through:

- i. Verbal acknowledgement.
- ii. A Letter.
- iii. A phone call to the Missioner.

On receipt of the compliment the Missioner will share it with the staff member concerned, or with the agency, if the compliment is addressed to the agency.

Staff should be cautious about accepting gifts from clients or members of the public. If gifts are received, every effort should be made to advise the Missioner as soon as possible.

## PROCEDURES FOR COMPLAINTS

There will be a number of situations arising from time to time in which Anglican Action is faced with either a client or a member of staff making a complaint against another member of staff. Some complaints may be trivial, or of a personal nature, and may be dealt with informally, in discussion between the parties. However, where a complaint is made which raises serious allegations against an employee, it is important that the parties involved are aware of a clear process which must be followed in order to ensure that the complaint is fully and fairly dealt with.

To avoid legal complications, it is very important that when a complaint is received, the following process is followed:

- a. It is essential that the complaint be addressed to the Missioner, and that the Missioner is given any opportunity to determine the steps to be taken. If members of staff are aware of the complaint, they should maintain neutrality both publically and professionally.
- b. If the complaint raises serious issues against an employee, the Missioner should advise the employee to contact his or her union or professional organisation as soon as possible. The employee should also be advised that he or she has the right to nominate and contact a support person, who may be involved in any ensuing process, in that role.
- c. Pending resolution of the complaint, the safety and security of the complainant, if a member of staff, and the employee should be ensured. The Missioner may take any reasonable steps to ensure the safety and security of both parties.
- d. Unless the Anglican Action Mission Council is involved, the Missioner should, within a reasonable time after receipt of the complaint, arrange a meeting to enable both the complaint

and the employee's response. The employee must be given a reasonable opportunity to respond to the complaint, and in a serious case, it may not be reasonable to expect the employee to provide an immediate response. Where the employee cannot, for good reason, provide an immediate response, the Missioner should set the date and time for a further meeting to enable that response to be given. What is 'reasonable' will depend on the circumstances and the nature of the complaint.

e. If the complaint is serious, then the following steps should be taken:

i. If, in order to maintain a calm, safe and secure work environment, it is necessary to provide physical separation of the complainant and the employee, the Missioner make any appropriate and reasonable arrangements to ensure that this is achieved.

ii. In certain circumstances, it may be necessary to consider suspension of the employee on full pay. It is expected that such action will be taken rarely, and only after the Missioner is satisfied that no other course of action is appropriate or available, pending resolution of the complaint.

### **PROCESS FOR INVESTIGATION OF A COMPLAINT**

a. Whenever there is a complaint against an employee, either by a fellow employee, or a member of the public, the Missioner, as an employer, must investigate the complaint, and do so in a fair and impartial manner. This means that the Missioner must not, prior to undertaking an investigation, make any decision, or take any action that may result in an appearance of bias, or predetermination. The standard to be applied is – what would a fair and reasonable employer do in the circumstances of the case?

b. The basis for an employment relationship is mutual trust between an employer and employee, and the employer owes the employee an obligation to act fairly toward the employee.

c. The Missioner must, no matter what the source of the complaint, ensure that the investigation is carried out in a manner that safeguards the rights of the complainant and the employee who is the subject of the investigation.

d. Once the employee has responded to the complaint, the Missioner must then decide what action is to be taken. In some cases, it may be difficult to make a decision, as the response provided by the employee may be at substantial variance with the matters raised in the complaint. It may well be that the employee makes allegations against the complainant, and in this situation, the Missioner should meet with the complainant, to seek his or her views concerning the matters raised by the employee.

e. It is only when the Missioner has a clear picture of the situation between the complainant and employee that steps can be taken to resolve the matter. If action is taken against the employee prematurely, especially action that adversely affects the employee, the Missioner may be subject to challenge on the basis that any action taken was unfair.

f. If the Missioner decides to take no further action, the Missioner must advise the employee and the complainant of the outcome of the investigation. The employee is then entitled to resume his or her duties. The Missioner should bear in mind that the employee may have to work with, or in close proximity to, the complainant. Counselling may be offered to enable both

parties to overcome any residual resentment there may be as a result of the complaint and the circumstances in which it was made.

g. In the event of a serious complaint, the Missioner may decide that if the employee's response is unsatisfactory that disciplinary action should be taken against the employee. This can only occur if the nature of the complaint is such that it affects the employment contract, and the relationship between the employer and employee. For example, it is found that certain actions of the employee have brought the agency into disrepute. There are a range of sanctions available to an employer in such a situation, including dismissal, but action to dismiss an employee should not be taken unless the Missioner can fairly conclude that the actions of the employee have undermined the relationship between employer and employee to such an extent that his or her continued employment is no longer viable.

h. The employee must be fully advised in writing of any sanction, including dismissal, that may be imposed and of the reasons for the sanction.

- i. In the case of a less serious complaint not warranting dismissal, the Missioner may impose any other sanction available, in consultation with the employee and his or her immediate supervisor, to ensure that the employee has an opportunity to address the issues of concern. The matter may be the subject of periodic review over a set period of time.
- ii.

#### **SUSPENSION OF AN EMPLOYEE DURING INVESTIGATION OF A COMPLAINT**

a. Suspension of an employee is action which must be taken cautiously and sparingly, and only if the situation in the case warrants such action. It is the action that may be taken in a serious case, where, for example, misconduct by an employee is being investigated.

b. The obligation on an employer in deciding to suspend an employee is to act fairly. The employee is entitled to know why he or she is being suspended, and is also entitled to information about the progress of an investigation.

c. Suspension of an employee is a serious measure which may have adverse effects on an employee beyond merely interrupting the employment relationship. Before this step can be taken, the employer must be satisfied that any evidence against an employee is such that it is the only course that is reasonable in the circumstances. The employee must have been given notice that suspension is being considered, and also given the opportunity to express his or her views on the need for suspension. The employer must take these into account in determining whether or not to suspend the employee.

d. In considering whether to suspend an employee, the employer should consider:

- i. Whether the allegation and/or evidence is serious enough that suspension might be required.
- ii. Whether there is a legal right to suspend.
- iii. Whether the proposed period of suspension is reasonable in all the circumstances.
- iv. The impact that suspension will have on the employee.

e. The employer should be aware that there is a discretion whether or not to suspend an employee. The exercise of the discretion can be challenged on the ground that an employer

failed to take relevant considerations into account, or took irrelevant considerations into account, or was so biased, that there was no exercise of discretion.

f. The discretion to suspend an employee must be based on factors relevant to the exercise of the discretion. Other factors, such as the dislike an employer may have for an employee, or the dislike other employees may have for an employee, are in the normal working situation irrelevant in a case where, for example, an employer is investigating an allegation of incompetence. In that situation, the relevant factors relate to an employee's suitability for a particular job, so it would be necessary to have reports from the employee's supervisor, with reference to the employee's work performance as measured against performance standards.

g. The period of suspension must not be unduly prolonged. An employee has the right to an expeditious investigation of any complaint against him or her. Prolonged suspension may impact upon, or even prejudice, the outcome of an investigation. If the period of suspension expires before the investigation is concluded, the employee has the right to return to work, unless a further period of suspension can be negotiated between the employer and employee.

#### **SERIOUS COMPLAINTS – PROCESS FOR APPOINTMENT OF ADVISORY TEAM**

a. In the case of a serious complaint, consideration may be given to the formation of an advisory team, to support the Missioner in convening and holding meetings and in the formulation of any decisions arising from the meetings, or at the conclusion of the investigation.

b. The advisory team should consist of at least three people who have had no direct contact with either party, and should include someone with legal expertise in the

field of human resource management, or employment law. Retired staff members who know and understand the Anglican Action culture may be appropriate.

c. The advisory team will meet with the Missioner, as and when considered necessary or appropriate. The procedure for meetings will be determined by the team. The team is to note that its role is advisory and is not to be involved in final decision-making by the Missioner.

d. Any information shared or disclosed at meetings of the advisory team is to remain confidential and may not be discussed with any member of staff, or any person not directly connected with the investigation.

e. In complex cases, it may be appropriate for the advisory team to seek the advice of a specialist employment lawyer. The Anglican Action legal advisor may assist the team to select an appropriate advisor.

f. The team will meet as and when required up to the time at which the investigation is completed.

g. Once the investigation is completed, the advisory team will make recommendation to the Missioner concerning the outcome of the complaint. This may be a recommendation that the Missioner records the outcome that the complaint was not proved, or that the outcome be no further action, or that disciplinary action be taken against an employee. The advisory team may make recommendations as to the disciplinary action to be taken.