

# Governance Complaints Policy and Procedure

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No board likes to deal with a complaint from the Playcentre community, however, it is important that clear and fair processes are already in place in the event that a complaint is received.

Being proactive in providing the Playcentre community with a robust process for handling complaints avoids misunderstandings and protects the board from pressure to act urgently without all the relevant information they require.

All members of the Playcentre community should be aware that the board has a complaints policy underpinned by procedures, and a copy of the complaints process may be included with enrolment information and attached, as a reminder, to a Playcentre newsletter early each year.

When dealing with complaints both management and board should act in accordance with policy and procedures, dealing with each case fairly and on its merits.

In dealing with complaints the board should have a 'close off point' where, once they are satisfied that they have done all that could reasonably be expected, they enter into no further discussion on the matter. Whilst such an approach needs to be used with caution, there will be occasions when the complainant refuses to be satisfied with the outcome and a considerable amount of time is taken up responding to repeated restating and debating of the matter. Life members as advisers can offer an objective view as to whether or not it is appropriate for a board to take this course of action.

## Complaints Process Stage 1:

- a) Concerns should, in the first instance, be addressed to the relevant member.
- b) If the concern has not been resolved with the relevant member, contact the next appropriate person responsible.
- c) If the concern has not been resolved or it involves the General Manager or board, it should be addressed to the board. You now have a complaint. Concerns and complaints addressed to the board should be in writing to the TWTNoA-PA Co-Presidents.
- d) Except in exceptional circumstances the board will not accept any complaint unless the correct process (above) has been followed and, if not, may direct the complainant back to the relevant member.

## Complaints Process Stage 2:

- a) Playcentre's Insurer and Legal Advisor should be advised of any complaint as soon as possible to mitigate risk.
- b) The need to act in a timely manner may require a special meeting of the board to be called.
- c) All letters addressed to the Co-Presidents of the board are for the whole board. The Co-Presidents cannot decide independently what action will be taken unless delegated authority to do so by the board.
- d) Subject to agreement between the parties resolution or dismissal of the complaint will not occur before all the information is to hand.

- e) Any conflicts of interest must be declared and conflicted board members must not participate in any discussion/decision making around the matter.
- f) The board should give a copy of the complaint to the General Manager and request a written response (to the board, not to the complainant).
- g) The board must conduct a thorough investigation into the complaint and weigh up both sides of the issue before reaching its conclusion. Trustees must exercise caution particularly around confidentiality, process and natural justice, and must act fairly towards people who are affected by their decision.
- h) The outcome of any investigation and discussion should be conveyed to the complainant in writing, in a timely manner.
- i) The board must exercise caution when dealing with complaints regarding, particularly in relation to confidentiality and processes to ensure that the principles of natural justice are met. Boards should contact the TWTNoA-PA Legal Advisor in such cases. The board will need to consider relevant disciplinary policies, employment agreements and advice from the TWTNoA-PA Legal Advisor.
- j) The board should recognise that not all complainants will be satisfied with the outcome. After one reconsideration, if the board is confident of its decision, it may refuse to enter into further discussion/correspondence.
- k) A complaint regarding lack of compliance in relation to a complaint resolution should be treated as a serious matter and dealt with urgently, as a new complaint rather than as a reconsideration of the previous issue. Trustees need to be clear around the difference between a complaint they may have as a parent (e.g. regarding their own child) and a complaint they may have as a trustee (e.g. regarding a member of staff obstructing them carrying out board work). In the first instance they are required to follow normal procedures and are excluded from discussion and decision making around the issue due to a conflict of interest. In the second instance the issue should be dealt with as an agenda item for the whole board (as Public Excluded Business if appropriate).
- l) The organisation will ensure that all relevant legislation is adhered to throughout this process.

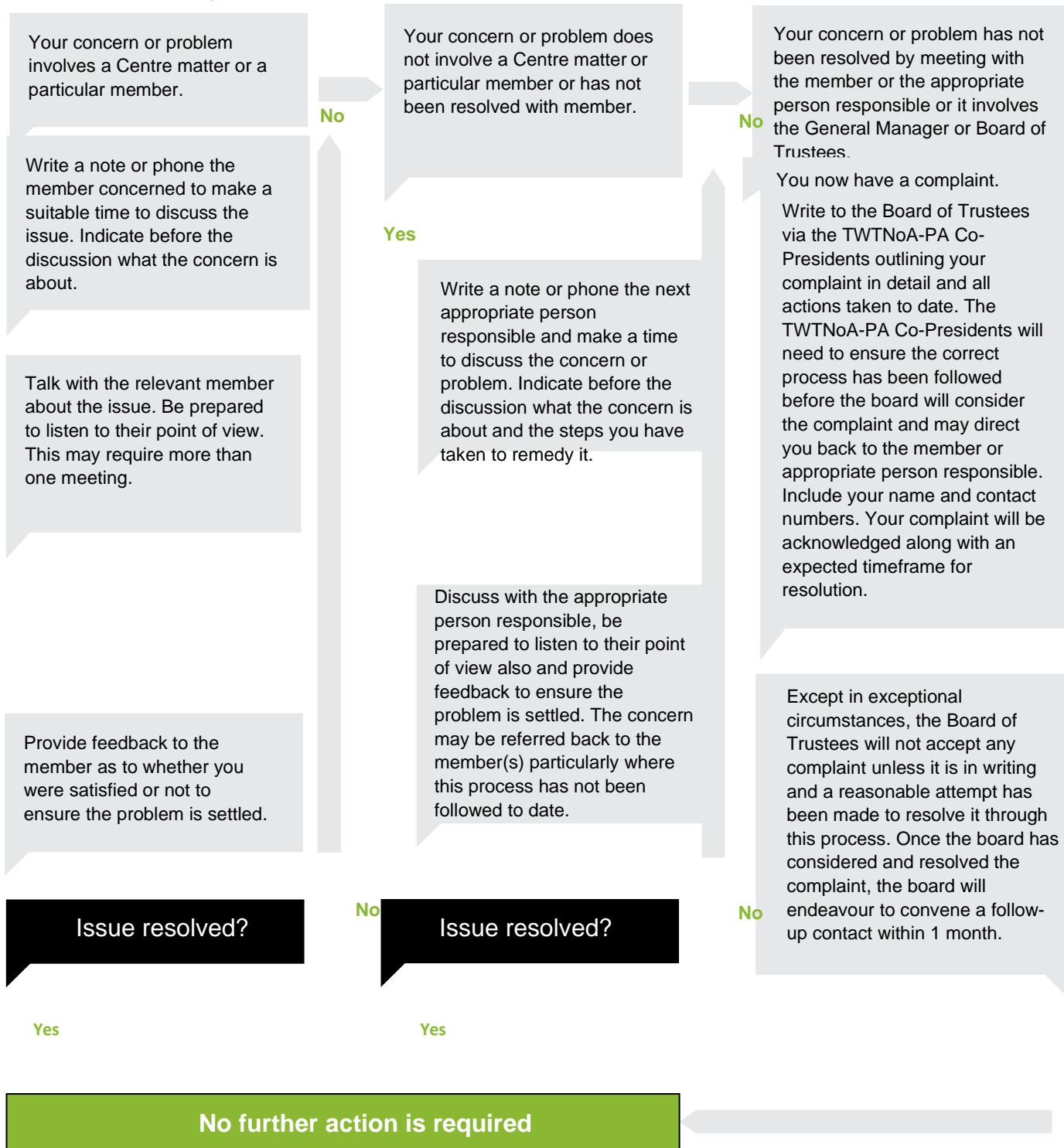
## Board complaints checklist

Once a letter of complaint has been received, the TWTNoA-PA Co-Presidents should follow this process:

|    |   | Notes/date completed |
|----|---|----------------------|
| 1  | Ensure the process has been followed as outlined in the Governance Complaints Procedure or is a genuine complaint against the General Manager or board.   |                      |
| 2  | Seek advice from Playcentre's insurer and legal advisor to mitigate risk.   |                      |
| 3  | Acknowledge the letter of complaint within 7 days and advise the board process, or redirect the complainant to General Manager, or member as appropriate. Report to the board without names or detail at the next meeting. A special meeting can be called if needed.                       |                      |
| 4  | If the complaint or action is employment or operational compliance related, or has potential industrial relations implications, request the General Manager to present a full written report outlining any potential considerations or implications. Note date report is received.          |                      |
| 5  | Verify that any persons identified in the complaint are aware of the situation and that the process has been followed to date.  |                      |
| 6  | Board determines whether the above fully satisfies them of full and fair process. If so, the board advises the complainant.   |                      |
| 7  | If the complaint requires further action, the board meets, discusses (in Public Excluded Business), determines whether to formally meet the complainant, and delegates responsibility to trustee(s) as deemed appropriate.  |                      |
| 8  | Board delegates meet with the complainant and discuss the complaint more fully, verifies, investigates and clarifies. Support persons should be confirmed as welcome to attend.   |                      |
| 9  | Board delegates report back to the full board and recommend actions/decisions.  |                      |
| 10 | The board takes appropriate actions, records and formally minutes decisions.  |                      |
| 11 | Board advises complainant in writing of its provisional decisions and factors considered in reaching them, within 21 days of complaint receipt, unless otherwise agreed by all parties. Complainant is given opportunity to comment before the board's final decision is reached and given. |                      |
| 12 | Board endeavours to convene follow-up meeting within 1 month of step 9.   |                      |

## Governance Concerns and Complaints Process

### Starting point



Reviewed: 02/05/2020