**GP6 CONFLICT RESOLUTION**

(referred to in the Constitution as the Disputes Policy)

1. **Purpose**
2. **Scope**
3. **Procedures**
4. **Measurement**
5. **Acknowledgements**
6. **Related policies or documents**

**1. PURPOSE**

{*Insert your organisation*} will ensure that any conflict, grievance, dispute or complaint within the service will be handled competently, fairly and quickly. Adequate disputes handling will promote and protect standards of the service, consumers and a healthy work environment.

All complaints and disputes will be addressed promptly and within the guiding

principles of transparency, fairness, respect, and accountability.

All members and staff of the {*Insert your organisation*} are expected to work cooperatively as a team, to acknowledge any dispute at an early stage, and to resolve any dispute in the most constructive manner possible.

Any conflict of interest arising from a dispute will be declared and all steps will be taken to ensure persons working to resolve a dispute are impartial. Members and staff are expected to maintain confidentiality in relation to complaints and disputes.

**2. SCOPE**

All Board, staff, volunteers and members of the organisation.

**3. PROCEDURES**

**Principles**

The general principles of confidentiality, honesty, agreed lines of accountability, fairness, respect for each other and the importance of conflict resolution are to be adhered to at all times.

Board, staff, contractors, students and volunteers are expected to be able to work cooperatively and resolve conflict as part of their positions.

Conflict, grievances and disputes within the service will remain confidential.

If disciplinary action is commenced against any staff member, the disciplinary policy in the relevant Award and the Staff Disciplinary policy must be followed.

At all times, conflict, dispute, grievance or complaint should be addressed at the local level in the first instance.

Any conflict, complaint, dispute or grievance regarding work performance, attitude or other such issue should be brought to the individual's attention as soon as practical. Other people including Board members are not to become involved in the dispute, complaint, grievance or dispute, nor discuss the conflict, dispute, grievance, complaint or issue until the involved parties have discussed it and attempted resolution.

If this approach is not considered possible, the following procedure should be applied.

**Procedure to resolve staff conflict/grievance/disputes and complaints**

Board and staff are encouraged to be open and honest with other members.

Staff are also encouraged to put the needs of clients/members first, to be flexible, to know when to compromise, to work cooperatively and to support colleagues in the workplace.

However, from time to time conflict, disputes, grievances, complaint or issues may arise and these will need to be resolved in the best interests of the organisation and its clients or members.

Any conflict, dispute, grievance, complaint or issue must be raised with the person concerned at the earliest possible opportunity. A resolution may be achieved through discussion. If this is not possible a more formal discussion and plan may be required to resolve the problem. Everyone should work towards this as quickly as possible.

**Board**

**Step 1**

The Board member may approach the Chair for discussion and advice on the issue. The discussion is confidential.

**Step 2**

If the problem is not resolved in Step 1 or if the dispute concerns the Chair, the Board member:

* May put the issue in writing to the Chair and request that the issue is raised with a Subcommittee of the Board, which will be called to address the issue.
* May attend the Subcommittee meeting to present the dispute.
* May bring an independent person to support them. The parties may involve an independent mediator if desired and agreed.
* Shall be advised of a decision by the Subcommittee of the Board within 7 days.

**Step 3**

If the problem is not resolved in Step 2 the Board member may attend a meeting of the Board and shall be entitled to address that meeting.

The Board member may be accompanied by a representative of his/ her choice. The Board member may request that the CEO not be present while they address the meeting.

The Board shall make a decision on the issue and advise the Board member of their decision within 7 days. The decision of the Board is final.

**Staff**

The staff grievance procedure specifies the procedures staff can follow if they have a grievance about their employment conditions, their supervisor or the Board of {*Insert your organisation*}.

**Step 1**

The employee may approach the CEO for discussion and advice on the issue. The discussion is confidential.

**Step 2**

As early as possible the people involved should arrange a meeting to discuss the issue. If after a careful examination of all the facts involved and an honest effort by the parties to resolve the concern the matter cannot be resolved, more formal processes of resolution will be necessary.

**Step 3**

Mediation is a way of handling conflict in which two or more disputing parties meet in good faith with a trained impartial mediator in an attempt to resolve differences.

In mediation the parties involved have responsibility for deciding the resolution rather than the mediator. An agreement is reached when the parties are satisfied with all its terms and those terms meet any legislative or policy requirements.

**Step 4**

If the staff concerned are unable to resolve their dispute through self-management or mediation the CEO may undertake responsibility for the resolution process. Staff would be obliged to comply with any **reasonable request** made by the CEO aimed at resolving the dispute.

**Step 5**

Where a conflict, dispute, grievance or complaint amongst the staff is affecting the service delivery and impacting negatively on the culture and work environment of the staff team, and where a suitable agreement cannot be reached between the involved staff, the Board shall become involved and a Disputes Subcommittee of the Board will be convened. Either party or their supervisors may notify the Board of a dispute.

At a meeting with the parties to the dispute and the Disputes Subcommittee of the Board each staff member shall present their case. An advocate may support parties at this meeting. This meeting shall occur within ten (10) working days of a notification of a dispute.

The Disputes Subcommittee has a number of options following this meeting. These include:

* Attempt to mediate a resolution and the staff will be expected to enter into an agreement for resolution (this may include a training plan, more supervised work environment, extension of probation, career counselling and others) OR
* An independent mediator may be used where agreement cannot be reached, or prior to disciplinary measures being taken OR
* Where the matter is serious the Subcommittee has the full Board’s delegation to proceed to the disciplinary process.

The Disputes Subcommittee should notify the parties to the dispute in writing of their decision within five (5) working days of the meeting.

If the staff member(s) involved do(es) not comply with the conditions of the agreed outcome as determined above and the conflict, dispute, grievance or complaint continues, the Disputes Subcommittee will enter into formal disciplinary action according to industrial procedure and Association policy.

**Appeal**

The CEO and Board will ensure that their decisions are in line with the relevant legislation, which govern Boards functions and the employment of staff.

If Board members feel that they have been unfairly treated, they may consult with the relevant government bodies e.g. relevant government department or

Commissioner for Community Services

Level 3, 128 Chalmers Street, Surrey Hills NSW 2010

Phone (Freecall): 1800 060 409.

<http://www.complaintline.com.au/community%20services.html>

* If staff members feel that they have been unfairly treated, they may consult with the relevant Union or the Industrial Relations Commission of NSW.
* If staff feel that they have been unfairly discriminated against on the grounds of sex, race, etc. they may refer the issue to the Equal Employment Opportunity Tribunal.
* Staff should be made aware of their rights to consult with the Industrial Relations Commission of NSW or the Equal Employment Opportunity Tribunal.

**Misconduct**

Misconduct includes very serious breaches of agency rules, which may warrant the instant dismissal of a Board or staff member.

Examples of misconduct include:

* Theft of property or funds from *{Insert your organisation*}.
* Wilful damage to service property.
* Intoxication through alcohol or other substances during official duty.
* Verbal or physical harassment of any staff, clients, members or Board particularly in respect of race, sex or religion.
* The disclosure of confidential information regarding the organisation to any other party without prior permission.
* The disclosure of information concerning the clients of the organisation other than the information that is necessary to assist them.
* Carrying on a private business from {Insert your organisation} premises or using the service's resources for private business.
* Falsification of any organisational records for personal gain or on behalf of any other staff member.
* Failure to comply with the Code of Behaviour.

**4. MEASUREMENT**

Procedures are followed.

**6. RELATED POLICIES AND DOCUMENTS**

Code of Behaviour.

Staff Performance Management Policy.

Privacy and Confidentiality Policy.

Access and Equity Policy.