**Feedback invited: Mandatory Policy 3.12 Complaints, Grievances and their determination.**

**Message from the RNZFB Board**

Hello Everyone

As you may be aware, the RNZFB’s Constitution requires the Board to have policies, which the Board refers to as Mandatory Policies, in respect of several key areas. The Board has prepared a draft of the policy which is set out below but before the Board formally adopts this policy, we would like to hear your views on it.

There are several ways you can let us have your feedback. They are:

* To email your views to [BoardFeedback@BlindFoundation.org.nz](mailto:BoardFeedback@BlindFoundation.org.nz).
* Record your submission on the Telephone Information Service, menu option **3 1 5 3***.*
* Post your submission in your preferred format to Jane Moore, Board Secretary, Blind Foundation, Private Bag 99941, Newmarket, Auckland 1149.

Please let us have any comments no later than **4:00pm on** **31 January 2019.** The Board thanks you for taking the time to participate in this process.

This is what the Board is proposing:

**POLICY 3.12 – COMPLAINTS, GRIEVANCES AND THEIR DETERMINATION**

In this policy:

“**complainant**” means a member bringing a complaint or grievance,

“**complaint**” means a complaint or disciplinary procedure regarding alleged misconduct of a Member,

“**grievance**” means a grievance alleging damage to a Member's rights or interests as a Member or to Members' rights or interests generally, and

“**member**” includes client where appropriate.

It is the Board's role to guard the welfare and best interests of members, including the safeguarding of the right of Members to bring forward a complaint or grievance without fear of personal negative effect. In furtherance of this principle and to protect the privacy and dignity of members and staff at all times, all aspects of a complaint or grievance that involve the Board will be dealt with in committee.

The Board upholds that:

* A member bringing a complaint or grievance has the right to be heard
* A member has the right to be treated with dignity and with respect.
* A member may bring a complaint or grievance in any form appropriate to that member
* A member has the right to be represented by an advocate of the member’s choice and at the member’s cost. At the request of the member, the Board may consider meeting all or some of this cost if, having regard to all the circumstances, it deems such a course is warranted.
* a Complaint or Grievance will be investigated and determined
* there may be grounds for deciding not to progress a Complaint or Grievance and, in such circumstances, the complainant will be advised of the reasons
* At the conclusion of the complaint, the Board will review all the relevant documentation and provide to the complainant copies of those documents the Board deems appropriate to be shared.

The Board wishes to receive information to help determine the value of its services and complaints and grievances are one such indicator. To this end, the Board frequently monitors complaints and grievances which are not brought before it.

Members also have the right to appeal to those who govern on their behalf. Accordingly, there is a process that Directors shall adhere to when receiving a complaint or grievance that the person bringing the complaint or grievance wishes the Board to be apprised of. The Director shall immediately notify the Board Chair who will adopt one of the following courses of action:

1. If the complaint or grievance relates to an operational matter and the complainant has not already sought resolution through the Chief Executive, the Chair will refer the matter to the Chief Executive who will attempt to resolve the matter in a timely manner and keep the member advised as to progress. The Chief Executive will notify the Board of the resolution of the complaint.

2. If the grievance relates to the Chief Executive, the Chair will place the matter before the Board for consideration as soon as practicable.

3. If the complaint or grievance relates to an operational matter and the complainant has already sought resolution through the Chief Executive but is still dissatisfied, the Chair will place the matter before the Board for consideration as soon as practicable.

4. If the grievance relates to governance of the Foundation, the Board Chair, in consultation with the Chair of the Governance Committee, will decide on the appropriate course of action in accordance with Rule 13 of the Constitution “Complaints and Grievances Procedures”.

5. In 2, 3 and 4 above the Board must first determine if a complaint or grievance should not be progressed. To this end, the Board may seek further information from the complainant and other parties relevant to the complaint. The Board will only dismiss a complaint or grievance at this step in the process if it is manifestly clear that the complaint or grievance is covered by one or more of the grounds listed in clause 13.4.1 of the Constitution. In such a case the Board will clearly explain to the complainant the reasons for dismissing the complaint or grievance.

6. In any of the above cases, the Board’s response shall be communicated to the complainant in writing as soon as practicable.

7. Where the grievance relates to a particular Director, the following guidelines shall be observed:

* The Director the subject of the grievance shall be excluded from the decision-making process.
* The Board Chair and the Chair of the Governance Committee shall seek information from the complainant and the Director, who is the subject of the grievance, to assist the Board in determining if a grievance exists. If the grievance relates to the Board Chair then this task shall pass to the Deputy Chair; if the grievance relates to the Chair of the Governance Committee then the task shall pass to another Governance Committee member appointed by that Committee.
* If it is deemed that a grievance exists, both parties will be given the opportunity to have their side of the case heard by an impartial decision maker as specified in Rule 13 of the Constitution.
* All parties will be advised in writing of the final decision

*Note: This policy does not apply to any issues affecting contracts of employment or conditions of service for staff members which are handled in accordance with employment and human rights procedures.*