

## Complaints & Grievances Policy

<b>Owner</b>	PIC	<b>Approval Date</b>	December 2019
<b>Approved by</b>	Board	<b>Review Date</b>	June 2020

### 1. Purpose

The Complaints and Grievances Policy ensures that UN Youth has fair, accessible, confidential, and professional procedures for receiving complaints of any members and for dealing with those complaints in a prompt, fair, and equitable manner which is supportive of the welfare of all parties. This policy applies to all members of UN Youth.

The Board of Directors has responsibility for ensuring that all formal complaints made against the National Executive, members of the National Executive, or Members of the Board, are dealt with in accordance with this Policy. The National Executive has responsibility for ensuring that all formal complaints made against any other UN Youth volunteer, Event Committee, Regional Council are dealt with in accordance with this policy

No other policy should affect the ability of a volunteer to submit a complaint via the UN Youth Complaints Process, or the powers, duties and functions of the Board of Directors.

Nothing in this Policy should be interpreted as requiring any complaint to be heard if the Complaints Panel is satisfied the complaint is unjustifiable or vexatious in nature.

### 2. Definitions

**Complaint:** an action taken by the complainant/s with UN Youth.

**Complainant:** the person or persons making the appeal, complaint or grievance. **Formal:** (in this context) a written appeal, complaint or grievance.

**Respondent:** the person or persons who is appealed or complained against, or against whom the grievance has been raised.

**Grievance:** a grievance occurs when a member is dissatisfied with the conduct of another member or members of UN Youth, or a decision made by an Officeholder or Executive Officer or the National Executive;

**Resolution:** a formal expression of a decision made in best possible accordance with the principles of this policy and in adherence to the relevant protocols.

**Complaints Panel:** A panel formed from this policy that is given responsibility for handling any complaints field by members about another member or body of the organisation.

### 3. Principles

**Fairness.** All complainants and those being complained about should have a fair opportunity to share their perspectives on the object of complaint and surrounding circumstances.

**Right to Response.** Any individual being complained about should be given ample opportunity to give an informed response to the complaint.

**Impartiality.** All complaints and resulting disciplinary measures should be dealt with in a consistent manner without bias or special preference to any one party, including apparent bias or pre-determination. Those dealing with complaints must not become personally involved in the conflict.

**Accessibility.** It is important that all UN Youth members have the ability to register a complaint or grievance to the organisation.

**Respect.** All parties involved in a complaints process should be shown dignity, treated with integrity, and have their personal welfare considered at all times.

**Confidentiality.** The organisation must respect the privacy of those complaining and those being complained about, and hold this in the highest regard reasonable. This includes ensuring that the only people who hear about the object of complaint and surrounding circumstances are those whose knowledge is necessary for the effective resolution of the UN Youth Complaints Procedure. Both respondents and complainants are required to maintain this confidentiality, also.

**Mana.** The mana of all parties to a complaint must be upheld to the highest extent possible in the circumstances.

**Withdrawal.** At any time, the complainant has the right to withdraw an appeal, complaint or grievance without prejudice.

## 4. Complaints Panel

**Appointment:** Matters will be referred to a Complaints Panel for investigation and decision.

**Conflicts:** Panel members must be free of potential conflicts of interest when they are appointed. Panel members must resign when new conflicts of interest arise.

**Lead:** The Panel will appoint one of its members to lead the investigation on the complaint.

**Membership:** The Panel will consist of:

- 3 National Executive Officers, as appointed by the National Executive, in the event of a complaint involving a participant, volunteer or officeholder outside of the National Executive.
- 3 Board Directors excluding the National President, as appointed by the Board, in the event of a complaint involving the National Executive, a National Executive Officer, or Board Members.
- If the Panel contains less than 3 people at any point in time, the body that originally appointed the Panel will appoint an additional member under the same conditions as when the Panel was originally

All findings of the Complaints Panel must be reported to the Board of Directors.

## 5. Complaints Process

Where a complaint is made relating to an internal dispute, UN Youth will favour exploring alternative resolutions including speaking to all parties involved and seeking a mediated compromise.

Prior to the commencement of the formal UN Youth Complaints Process all other options for resolving disputes internally must be explored including;

- Speaking to the individual whom the complaint is about directly; or
- Speaking to a member of a Welfare team or event committee, if the complaint occurs over the course of a UN Youth event; or
- Speaking to the Regional President; or
- Speaking to the National Executive.

The formal complaints process is:

1. **Submission:** Complaints must be submitted in writing to the National Executive at [president@unyouth.org.nz](mailto:president@unyouth.org.nz) within **14 days** following the incident that gave rise to the complaint
  - a. If the complaint is against any of the National Executive members, please direct the complaint directly to the National Welfare Arbitrator at [president@unyouth.org.nz](mailto:president@unyouth.org.nz)

- b. If your complaint is against the National Executive as a whole please direct all questions or Complaints Process documentation to the Board Chair, [chairperson@unyouth.org.nz](mailto:chairperson@unyouth.org.nz).
  - c. If your complaint is against the Board or individual Directors please direct all questions or Complaints Process documentation to the Board Chair, [chairperson@unyouth.org.nz](mailto:chairperson@unyouth.org.nz), or if the complaint relates to the Board Chair to the Chair of the Finance, Risk and Audit Committee.
2. **Response:** The complaint is then provided to the person you are complaining about (**the respondent**). They will have **14 days** to write a response to your complaint. If the respondent does not file a response, then a decision may still be made in their absence.
3. **Referral to the Complaints Panel:** The complaint will be referred to the Complaints Panel You will be notified of the Complaints Panel Membership by email.
4. **Review and information gathering stage:** a member of the complaints panel will then review the documents provided, and may ask either party for further information (along with any other volunteers who are involved). You are not required to provide any further information, but it may assist the Complaints panel in determining your complaint. Further information and documents provided at this stage will be available to both parties. This further information can include: Further responses, or clarifications of the statements that have been provided in the initial forms; Statements from others who were involved in the matter; and Further documents relevant to the complaint. Any documentation which you intend to rely upon in your decision must be made available to both parties, but may need to be redacted to protect the privacy of third parties (pursuant to the Privacy Act 1993).
5. **Draft decision and opportunity for comment:** the Complaints Panel will then review all the documentation and will reach a draft decision, which will be sent to both you and the respondent. Both parties will have **3 days** to review this draft report. You should review this decision and if there are any factual errors you should notify the Complaints panel, and they may amend the report. This is **not** an opportunity for parties to re-litigate the dispute. If they make any recommendations to you, you must consider those. You may then amend the report if you wish or otherwise may finalise the report in its existing form.
6. **Final decision:** the Complaints Panel will then issue both parties with a final decision, and if any wrongdoing is found they will make recommendations as to the appropriate outcome
7. **Wider publication of final decision:** a copy of the report will be provided to the National Executive and Board. At this point all information gathered should be securely stored in accordance with the Privacy Policy.

**Depending on the nature of the complaint, it may result in an investigation under this Policy, or a misconduct investigation under the Misconduct Policy.**

## 6. Complaints Resolution

The Complaints Panel has responsibility for determining the resolution measures to be taken, where the complaint has been found to be justifiable, unbiased and not vexatious in nature.

Resolution measures implemented by the complaints panel should be proportional to the grievance suffered by the complainant as a result of the matter of the complaint and the seriousness of the nature of the complaint.

In determining appropriate resolution measures, the Complaints Panel should consider the welfare and mana of any individuals that are subject to the measures. The panel will consider the most practical and fair decision for both parties and ensure UN Youth can execute its operations.

### 6.1 Resolution Measures

Any misconduct identified as a result of the complaint will be referred to a Disciplinary Panel in accordance with the Misconduct Policy

The Complaints Panel can impose the following resolution options on both the complainant and the respondent:

- 1) Dismissing the claim outright if it is deemed to be malicious, frivolous or unfounded;
- 2) No further action to be taken (other than determining that a breach has occurred);
- 3) Compulsory retraining for a volunteer in relation to a particular area;

- 4) Compulsory supervision of a volunteer for a defined period;
- 5) Re-opening and requiring the review of a decision made by an Officeholder, Council, Committee or National Executive;
- 6) Overturning or amending a decision made by an Officeholder, Council, Committee or National Executive

Complainants may wish to outline their preferred resolution to the complaint. However, in its decision, the panel will consider the most practical and fair decision for both parties and ensure UN Youth can execute its operations.

## **7. Appeals**

Any decision of a Complaints Panel can be appealed to the Board, by raising a grievance through a written complaint submitted under UN Youth's Complaints and Grievances Policy. Decisions made by a Complaints Panel cannot be appealed more than once.

Any decision of the Complaints Panel must be appealed to the Board within fourteen days of the decision. Decisions can be appealed on the grounds of:

- Breach of the principles of natural justice;
- That the Panel's Decision was unreasonable;
- A member of the Complaints Panel was biased or was unfit to decide on the matter.

## **8. Related Documents**

- Events Misconduct Procedure
- General Misconduct Procedure
- Misconduct Policy Flowchart