

PRISON FELLOWSHIP AUSTRALIA
POLICY ON TREATMENT OF GRIEVANCES

Endorsed by the Board of Prison Fellowship Australia on 14 February 2019

This policy is designed to guide Prison Fellowship Australia (“PFA”) and its staff and volunteers to deal with any grievances that arise, in a timely manner that respects the dignity and rights of each person.

1. Underlying philosophy

From time to time PFA staff, a PFA volunteer, a PFA client or a member of the public may have a grievance about the way in which s/he has been treated.

This policy applies to any such grievance, that arises from incidents occurring during PFA activities and operations or that involves PFA staff or a PFA volunteer, without exception.

The intention of this policy is that all grievances be dealt with in a way that is respectful, fair, just and forgiving and that restores damaged or broken relationships.

Such a grievance may relate to a person’s treatment by a member of the PFA Board, State Council, PFA staff, a PFA volunteer, a member of prison management, a client or member of the public.

Any such grievance must be treated seriously, and be dealt with as a matter of urgency.

Any grievance that involves a child must be dealt with in accordance with PFA’s Child Safety Policy.

Any grievance with the potential to become the subject of legal proceedings must be notified to the Chairman of the PFA Board, immediately upon that potential becoming apparent.

All grievances are to be treated as confidential. The only persons with whom a grievance is to be discussed are those persons directly involved in the processes set forth in this policy. Each such person is expected to maintain confidentiality about the grievance and related matters.

2. Reporting a grievance - to whom do I report?

The normal process for any person with a grievance, and that is neither PFA staff nor a PFA volunteer, is to report that grievance to the relevant State Manager.

The normal process for PFA staff or a PFA volunteer with a grievance is to report that grievance to their immediate supervisor.

For PFA staff or for a PFA volunteer, if the grievance relates to the behaviour of their immediate supervisor towards the person with the grievance, then that person should report that grievance to the State Manager (or equivalent).

For any person with a grievance that relates to the behaviour of the State Manager (or equivalent) towards the person with the grievance, then that person should report that grievance to the Chairman of the relevant State Council.

For any person with a grievance that relates to the behaviour of a member of a State Council, other than the Chairman, towards the person with the grievance, then that person should report that grievance to the Chairman of that State Council.

For any person with a grievance that relates to the behaviour of the State Chair towards the person with the grievance, then that person should report that grievance to the Chairman of the PFA Board. In such a case, the Chairman may nominate another person to deal with the grievance, provided that the person so nominated is acceptable to the complainant.

Where the remainder of this policy refers to “the nominee”, it refers to the designated person receiving a report of a grievance under this Section 2.

3. Reporting a grievance - what do I report?

In reporting a grievance, a person should specify the parties to the grievance, the nature of the grievance and any other specific details that are felt to be relevant. The report should also indicate whether or not the grievance relates to a single incident or to a succession of incidents and, in particular, what measures have been taken to address the grievance prior to making the report.

Although it is preferable for notice of a grievance to be in writing by the person reporting the grievance, it may be that that person does not feel able to express themselves in writing. In this case, the nominee should offer that person assistance to prepare a written notice. If that offer is declined, then the nominee should prepare a written record of the verbal report.

4. Process for dealing with a grievance relating to events within the prison system

As soon as possible after receiving advice of a grievance, the nominee will discuss the grievance with the complainant.

The nominee and the relevant State Manager will meet to discuss the matter. In doing so, they will consider whether it is appropriate to recommend that the complainant follow any grievance procedures that prison management employs.

The State Manager may also discuss the matter with the Chairman of the relevant State Council, if s/he feels that further guidance is required.

The nominee may meet with representatives of prison management, to obtain their views on the situation.

PFA will normally respect the decisions of prison management about the access granted to PFA staff and to PFA volunteers, and to any restrictions on such access. If the grievance is that the PFA staff or PFA volunteer has been banned by prison management from visiting prisoners, then the nominee and the State Manager should consider whether another role should be sought for the complainant, i.e. one that does not involve working inside the prison. Any such reallocation of responsibilities must be preceded by a review of the grievance and of the overall performance of the PFA staff or PFA volunteer, to be conducted by the nominee and the State Manager.

The nominee is to meet with the complainant to explain the decision and to offer pastoral care as appropriate.

If necessary, the State Manager or a member of the relevant State Council may provide further counselling to the complainant.

5. Process for dealing with a grievance relating to events within PFA

As soon as possible after receiving advice of a grievance, the nominee will discuss the grievance with the complainant.

As soon as possible thereafter, the nominee will discuss the matter with those of the following that are necessary to obtain an adequate understanding of the matter from each relevant party's perspective.

The complainant's immediate supervisor

The relevant State Manager

The Chairman of the relevant State Council

The Chairman of the PFA Board, or (if applicable) his / her nominee.

The nominee may have further discussions with the complainant, with one or more of the parties listed above and with other parties, in order to reach as complete an understanding of the matter as can reasonably be expected.

The nominee may, at his / her discretion and subject to the agreement of the relevant parties in each case:

- (a) offer the complainant pastoral care, including the opportunity to be accompanied at any meeting by another person acceptable to the complainant;
- (b) engage the assistance of a third party mediator or counsellor to assist in addressing the grievance; and
- (c) involve more than one of the parties in any of the meetings.

6. Outcomes

It is always PFA's intention that a grievance be resolved through:

- (a) the identification and correction of any misconceptions;
- (b) the identification and cessation of any mistreatment, including counselling and, if appropriate, disciplinary action for any offenders;
- (c) contrition and repentance on the part of any parties whose actions have been wrong, and forgiveness on the part of any parties affected by those actions;
- (d) the restoration of a normal working relationship between the relevant parties; and
- (e) the healing of any damage to a party's spiritual relationship with our God.

However, in the unfortunate case that the nominee considers any of these intended outcomes to be unachievable, or to be unachievable at the time, the most important outcome is that any damage to a party's spiritual relationship with our God be healed. The second most important outcome is that the ministry of PFA continue.

7. Dismissal

The dismissal of PFA staff or a PFA volunteer is a potential source of grievance. In extreme cases, it may also be that a decision on the appropriate way to address a particular grievance involves the dismissal of PFA staff or of a PFA volunteer.

In each case, it is extremely important to follow due process in implementing such a dismissal.

Dismissal may only result from:

- (a) a gross breach of the behaviour expected of PFA staff and PFA volunteers (e.g. an act of violence, a criminal act or a serious breach of prison management procedures); or
- (b) a third repeat breach of the behaviour and performance expected of PFA staff and PFA volunteers, provided that the required procedures set forth in the remainder of this policy have been followed.

In the case of a breach other than a gross breach, a verbal warning is to be given to the offending party, by the relevant authority being either;

- (i) his / her immediate supervisor;
- (ii) the relevant State Manager;
- (iii) the Chairman of the relevant State Council;
- (iv) the General Manager; or
- (v) the Chairman of the PFA Board or his delegate,

as the case may be ("the relevant authority"), in the presence of a third party.

The verbal advice is to include a statement of the unacceptable behaviour or underperformance, of the change in behaviour or performance that is expected and of the consequences of a subsequent breach. A copy of a written record of the verbal advice (as per Section 8), prepared by the relevant authority as soon as possible after the advice is given, is to be given to the offending party.

In the case of a second breach, a written warning will be given to the offending party at a meeting between that person and the relevant authority, in the presence of a third party. The written warning is to include a statement of the unacceptable behaviour or underperformance, of the change in behaviour or performance that is expected and of the consequences of a subsequent breach. A copy of the written warning is to be given to the State Manager, Chairman of the relevant State Council, General Manager or Chairman of the PFA Board as the case may be, and another copy filed on the offending party's personal file. A written record of any other discussion at the meeting is also to be prepared by the relevant authority, in accordance with Section 8. At any such meeting, the offending party is to be offered counselling or other reasonable support to assist them to address the unacceptable behaviour or underperformance.

In the case of a gross breach or of a third repeat breach, and after discussion between the relevant authority and his / her immediate superior (i.e. State Manager, General Manager or Chairman of the PFA Board as the case may be), a dismissal letter signed by the State Manager, General Manager or Chairman of the PFA Board as the case may be will be given to the offending party at a meeting between that person and the relevant authority, in the presence of a third party. A copy of the dismissal letter is to be given to the State Manager, Chairman of the relevant State Council, General Manager or Chairman of the PFA Board as the case may be, and another copy filed on the offending party's personal file. A written record of any other discussion at the meeting is also to be prepared, in accordance with Section 8. At any such meeting, the offending party is to be offered independent counselling or other reasonable support (including ongoing pastoral care) to assist them to adjust to the personal consequences of their dismissal.

8. Documentation

The State Manager, Chairman of the relevant State Council, General Manager or Chairman of the PFA Board as the case may be, must ensure that a written record is kept of each discussion or meeting to which this policy refers. The written record is to include details of the date, location, persons present and matters discussed. If possible, each party to the relevant discussion or meeting should sign the written record to confirm that it is a reasonable record of that discussion or meeting. Otherwise, the written record is to include a list of those persons that were parties to the relevant discussion or meeting, but that did not sign the written record.

Each such record is to be retained on the personal file of the relevant member of staff or volunteer.

9. Distribution of this policy

All members of PFA, all staff and all PFA volunteers are to be briefed on the procedures set forth in this policy.

Any person that so requests is to be given a copy of this policy.