

## **Dispute and Conflict Resolution**

### **1. Purpose**

The purpose of this policy is to provide guidance to the Board, staff, volunteers and participants of the Centre to achieve the resolution of disputes and conflict in a positive manner, as quickly, fairly and effectively as possible.

### **2. Responsibilities**

It is the responsibility of the Centre's Board to ensure that this policy is implemented.

It is the responsibility of the Centre's Community Development Officer (CDO) to ensure that the procedures are implemented.

### **3. Principles**

The Centre recognises that conflict does occasionally occur and that, where a dispute and conflict has or may have an impact on the Centre, staff, volunteers (including members of the Board of Management) and Centre users have the right to be heard. The satisfactory resolution of any dispute or conflict will be the ultimate goal for all parties.

### **4. Definitions**

**Complaint** - the expression of dissatisfaction about the Centre's activities, services or programs or about the complaints handling process itself (see the Complaints Policy).

**Conflict** - disagreement through which the parties involved perceive a threat to their needs, interests or concerns.

**Dispute** - the expression of a (real or perceived) wrong or dispute that causes (real or perceived) concern or conflict.

The types of problems that can be addressed by this Policy and Procedure include but are not limited to the following:

- personal or work-related disputes between Board members, staff, volunteers or Centre hirers or users.
- the breakdown of working relationships due to personality conflicts
- disputes arising over disciplinary issues
- misunderstandings about the nature of volunteers roles, for example the boundaries of volunteer or staff roles
- differing treatment (or perceptions of such differing treatment) between people or groups of people (see also the Equal Opportunity Policy)

- unacceptable behavior such as bullying, harassment or unwanted touching.
- any instance where a person or a group of people have a complaint or dispute with another person or group of people, or the Board of Management or the Centre more broadly.

## 5. Policy

Disputes and conflict can occur as a result of any behaviour or circumstance which may threaten the ability of the Centre staff or volunteers (including members of the Board of Management) to manage their roles and responsibilities properly, or may threaten any participant's ability to enjoy and benefit from the activities of the Centre.

The Centre is committed to effectively resolving disputes and conflict. This policy and the associated procedures are to be used when a dispute arises and a person believes s/he has been wrongly treated and wants action to be taken to remedy the situation.

Disputes and conflict can have a major impact on the Centre. Without clear procedures to deal quickly with the situation there can be negative consequences such as loss of work satisfaction, poor performance, discontent, a lack of team and/or organisational cohesiveness and a negative perception and dissatisfaction within the community.

This policy acknowledges the legal responsibilities that employers and employees have in relation to:

- Work Health and Safety Act
- Equal Opportunity legislation
- specific Industrial Awards and Agreements.

The Centre will ensure that disputes are treated seriously and are addressed in a fair and consistent manner that respects the rights of all involved.

The Centre will make every effort to establish an atmosphere of trust and open communication so that disputes are dealt with in a constructive manner.

The resolution process will focus on the re-establishment of good relationships and positive outcomes through conciliation, negotiation and mediation.

All staff, volunteers and participants of the Centre are to be informed of the Policy and Procedures through a range of manuals, handbooks and notices posted in the Centre and on its website.

The Dispute and Conflict Policy and Procedure is available to all Centre users

All relevant parties will be informed by a person designated to manage disputes for the Centre when the Dispute and Policy Procedure is instigated and must be given the opportunity to present their case, be fully informed about any allegations and decisions made and have the right to be supported by a person of their choice. The dispute will be documented in the confidential Dispute Register.

Resolution of any conflict or dispute is to be achieved as quickly as possible and with the minimum possible number of people involved.

*All conflicts or disputes which involve a breach of the Code of conduct will be acted on in accordance with the Code.*

*Any disputes which involve breaches (or suspected breaches) of the law will be promptly referred to the appropriate external authority for adjudication.*

Where the dispute may fall under Commonwealth or State legislation (eg Work Health and Safety, the Disability Discrimination Act, the Equal Opportunity Act or specific Industrial Awards or Agreements) the parties have the right to seek information and/or follow processes which are set out under these Acts.

Action to address the situation is to be commenced within one week of a formal notice of a conflict or dispute being made. In most cases, it is expected that resolution will be achieved within a further two weeks.

All parties have a right to confidentiality and privacy, subject to the necessary legal responsibilities of the Centre, its staff and its volunteers.

It is expected that every effort will be made to resolve the dispute within a framework of informal but open and honest communication which acknowledges the changing emotions of the people involved.

## **6. Procedures**

In the first instance, the person in conflict or dispute should take up the matter with the person concerned as soon as possible after its occurrence and attempt to resolve the issue in an amicable way.

If the dispute cannot be satisfactorily resolved between the parties, the situation should be reported to the CDO.

Every effort will be made by the CDO to resolve the issue promptly and informally. If the staff member, volunteer or participant is not satisfied with the result of any informal discussions they will be asked to outline the conflict or dispute in writing.

Disputes and conflict will be treated seriously and promptly dealt with until resolved.

Written notice of disputes are to be signed with the date and time by both the complainant and the person receiving the notice on behalf of the Centre (usually the CDO). Receipt of all written disputes will be lodged in the confidential Dispute Register.

All parties must be informed when the Conflict and Dispute Procedure is instigated and must be given the opportunity to present their case, be fully informed about any allegations and decisions made and have the right to be represented by a person of their choice.

All parties have the right to be treated fairly and to have the allegation decided by someone who acts fairly and in good faith. No one will make any assumptions or take any action until all relevant information has been collected and considered.

Action is to be commenced within 1 week of a written Dispute being lodged. In most cases, it is expected that resolution will be achieved within a further two weeks.

Records will be kept of all written Disputes raised and the steps taken to resolve the Dispute. These records will be signed and dated by the parties involved.

All parties have a right to confidentiality and privacy, subject to the necessary legal responsibilities of the Centre its staff and its volunteers or Board of Management.

The Centre will ensure that all persons against whom a Dispute is made will have the right to access an Advocate of their choice to assist in the resolution process. The Advocate may be a friend, a relative or a representative from another organisation - providing the Advocate does not have a conflict of interest in the process.

All parties to any Dispute resolution process should take responsibility for ensuring that the discussion is limited to details of the Dispute and must also act only within their role - as a participant, staff member, volunteer or member of the Board of Management responsible for managing the affairs of the Centre in a fair and accountable manner.

A person making a complaint has the right to contact an external agency for advice or help at any stage of the procedure including if they are unhappy with the way the Dispute is being addressed.

At their discretion, the CDO or Board can refer the parties to Community Mediation Services. The Centre expects that all parties will come to mediation in good faith and will use their best endeavours to resolve the conflict. If either party refuses to participate in mediation, this will be reported to the Board who will decide what action will be taken.

**Dispute and Conflict Resolution Procedure Flow Chart**

The dispute or conflict is reported to the relevant Team Leader or Program Coordinator or to the Community Development Officer who will address the issue in accordance with the spirit of the Centre's Dispute and Conflict Resolution Procedure and the Centre's Code of Conduct.



If unresolved, the dispute is to be outlined in writing to the Community Development Officer and addressed by them in accordance with the Dispute and Conflict Resolution Procedure. (If the conflict or dispute is with the Community Development Officer, then the written notification is to be addressed to the Chairperson of the Board of Management and marked 'Confidential'.) The Community Development Officer will:

- talk to all the parties involved and ask for an explanation of the behaviour or situation
- document the explanation including dates and other essential information
- spend time reviewing all the information
- discuss options for resolution of the dispute with the people involved
- describe clearly the expectations about future behaviour
- outline the consequences of unwanted or unacceptable future behaviour
- document the outcome of the resolution process.



If the dispute or conflict cannot be resolved, the parties will be referred to external expert assistance such as Community Mediation Services and the Chairperson of the Board of Management will be informed.



If the dispute or resolution cannot be resolved with external assistance, the Board of Management, taking into account the spirit of this Policy, will decide what action will be taken.



An outline of how the matter was resolved will be recorded in the Dispute and Conflict Register by the CDO or the Chairperson.

## 7. References

- Centre's Code of Conduct
- Work Health and Safety Act 2012
- Equal Opportunity laws
- relevant Industrial Awards and Agreements

## 8. Forms or Attachments

- x
- x

## 9. Approvals

	<b>Policy</b>	<b>Procedure</b>
Approving Authority	Board of Management	Board of Management
Approval Date		
Next Review Due		