



Shree Pretoria Hindu Seva Samaj

Established in 1932

264 - 13th Avenue
Laudium, Pretoria 0037
E-mail: sphss108@telkomsa.net

Tel/Fax: 012 374 6354
PBO Ref No.: 930014581

P.O. Box 14368
Laudium, Pretoria 0037
Web: www.sphss108.co.za

"Satyameva Jayate" - Truth Alone Prevails

Celebrating 81 Years of Selfless Service

COMPLAINTS RESOLUTION POLICY, PROCEDURE AND GUIDELINES

A. COMPLAINTS POLICY

1. PREAMBLE

The Samaj recognises an individual's right to make a complaint about the conduct of its officials, staff or people associated with the Samaj or using Samaj facilities, where that individual's interests appear to have been adversely and unjustifiably impacted by such conduct.

The Samaj encourages an organisational culture that responds to such complaints in an open and constructive manner, and in accordance with principles of procedural fairness, its constitution and code of conduct.

2. RELEVANT DEFINITIONS

In the context of this document:

Complainant means the person making the complaint;

Complaint is the informal or formal expression of a concern in regard to some aspect of the conduct of Samaj operations, services, staff or officials where the complainant's interest have been, or appear to have been, adversely and unjustifiably impacted by such conduct, and the complainant wishes to seek redress. Complaints may be based on disputes, mismanagement and misconduct.

Dispute means differences relating to policy implementation;

Misconduct means unethical behaviour, fraud, bribery, bullying behaviour, dishonesty, ongoing abuse or harassment;

Mismanagement means unreasonable decisions; inconsistent application of policy; wrong advice leading to disadvantage; procedural unfairness; failure to provide rights; failing to consider relevant matters; and negligence;

Complaint Officer means a person who is mandated to:

- i. Advise on and assist with the resolution of informal complaints; or
- ii. Receive formal complaints in writing or document the formal complaint; and
- iii. Notify the formal complaint to the Samaj Complaints Manager and the President of the Samaj.

Formal complaint means a concern which has not been resolved informally, and which is then set out in writing and forwarded to the Samaj Complaints Manager and/or the President of the Samaj;

Procedural fairness means ensuring that all parties to a complaint know what to expect during the complaint handling process; carrying out the complaint handling process in a transparent manner; providing all parties with equal opportunity to participate in the process; treating all parties in a respectful manner; protecting all parties from retaliation, and victimisation; and providing reasons for decisions made;

Respondent means the person who is the subject of the complaint;

Complaints Manager means an official of the Samaj who has been mandated to manage and respond to complaints. The Samaj has two Complaints Managers, namely the Portfolio Head: Education who will deal with all complaints related to the Gujarati School and Balmandir and the Deputy President of the Samaj or his/her nominee, who will deal with all other internal and external complaints.

3. OVERVIEW OF COMPLAINTS MANAGEMENT PROCESS

- 3.1 The process provides a single general system to deal with internal and external complaints based on disputes, mismanagement and misconduct.
- 3.2 All complaints under this policy will be managed by the Samaj Complaints Officer or by the Samaj Complaints Managers or his/her proxy.
- 3.3 Complaints will not normally be accepted if they are greater than 12 months old.
- 3.4 Complaints will be acknowledged, and the issues clarified to determine how and where the complaint is best handled.
- 3.5 It is expected that the complainants and respondents will cooperate in good faith with the complaints process.
- 3.6 Complaints will be managed in a manner that:
 - i. Assists in the timely resolution of the complaint by facilitating early resolution at the lowest level possible;
 - ii. Ensures the principles of procedural fairness are applied to all involved in the complaints process.

- iii. Ensures privacy and confidentiality are maintained for all parties involved in the complaints process;
 - iv. Ensures that individuals involved in the handling of a complaint or investigating or adjudicating on a complaint, must not act in any complaint in which they have a conflict of interest;
 - v. Provides the Samaj with the means to identify ways to improving the services it provides.
- 3.7 A complainant may withdraw their complaint at any time.
- 3.8 If a formal complaint has not been resolved within the time frame specified in this document, or if the processes used to resolve the complaint have been defective, a request for a review of the procedures can be lodged by the complainant.
- 3.9 At any time, a complainant who is dissatisfied with the outcome of a complaint, or the processes used to resolve the complaint, can appeal to the Board of Trustees.
- 3.10 If the complaint is taken to an outside agency (e.g. CCMA or a court of law), the Samaj may cease the internal process.
- 3.11 Information about this policy and the complaint procedure will be widely disseminated within the staff, community and to other interested and affected parties.
- 3.12 Should one of the Complaints Managers be the subject of a complaint (respondent) then the complaint will be handled by the other Complaints Manager.
- 3.13 Key officers and staff will be provided with training on management of complaints at Samaj expense.

B. COMPLAINTS RESOLUTION PROCEDURE

1. PREAMBLE

This procedure sets out the four stages for dealing with an internal or external complaint. It is essential that a complainant, or any person affected by a complaint, refer to the Complaints Resolution Guidelines for further detail and advice on their rights and obligations in this process.

2. FOUR STAGES

2.1 *Stage 1 – Informal Complaint*

Many problems can be resolved informally, either by direct approach to the person or group whose actions have given rise to the complaint, or indirectly by other means.

A direct approach may be made face to face or by phone, but can also be by email or in writing. Direct, open, and cooperative dialogue can often lead to a better understanding of the problem, and a quick and satisfactory resolution.

If a complainant is not comfortable making a direct approach, an informal complaint may be made indirectly by contacting the Complaints Officer i.e. the Samaj Administrator who has been mandated to deal with informal complaints. The Complaints Officer will provide advice and assistance to the complainant to enable them to resolve the complaint. If resolution cannot be achieved, the complainant will

be advised to set out their complaint in writing. This formal written complaint will be forwarded to the relevant Samaj Complaints Manager.

2.2 Stage 2 – Formal Complaint

If a complaint has not been resolved at the informal stage, or is otherwise of a more serious nature, then a formal complaint should be made.

The Samaj Complaints Manager is authorised to consider, investigate and resolve internal and external formal complaints.

The formal complaint must be submitted by the complainant, in writing, setting out the details of the complaint, including the background, the grounds of the complaint, the acts relied upon (the evidence), and the redress sought, together with all supporting documentation. All the information in support of the complaint should be provided at the beginning of the process.

On receipt of a formal complaint, the Samaj Complaints Officer will:

- i. Register and acknowledge receipt of the complaint within 3 working days;
- ii. Clarify the complainant's issues, consulting with the complainant and other parties where necessary;
- iii. Assess the most suitable method for dealing with the complaint, for example whether the complaint is best resolved either by discussion/negotiation, by mediation or investigation.
- iv. Where investigation is appropriate, conduct a detailed investigation of the complaint;
- v. Ensure that steps are taken within 10 working days to begin resolution of the complaint, and inform the complainant and the respondent about the process and the timetable for resolution;
- vi. When it is not possible to resolve the complaint within the stated timeframe advise the complainant and the respondent on progress every 10 working days;
- vii. Inform the complainant and the respondent of the outcome and the action taken to resolve the complaint;
- viii. Generally, oversee and/or manage the resolution of the complaint and refer to the Samaj Complaints Manager, the President and/or Chairman of Trustees as necessary.

Mediation may be requested by either the complainant(s) or the respondent(s), or recommended by the Samaj Complaints Manager.

If a party chooses not to participate in mediation or another formal process, then a recommendation concerning resolution of the complaint will be made by the Samaj Complaints Manager.

2.2.1 Investigation

Investigations will generally be conducted by the Samaj Complaints Manager. However, where a matter is deemed to require a more substantial investigation, the Samaj Complaints Manager, in consultation with the President, may refer the

complaint to an Investigative Panel or Investigative Officer, and determine the terms of reference for the investigation.

A suitably qualified panel, with members who have had no prior involvement in the matter, with the capacity to consider the issues and provide a recommendation, will be convened.

The Samaj Investigative Panel or Investigative Officer will:

- i. Receive the complaint from the Samaj Complaints Manager, with the terms of reference;
- ii. Investigate the complaint within 10 working days of being convened;
- iii. Examine any other relevant documentation or speak to any person, including the complainant and the respondent, if necessary (People may bring a support person to interviews with the Investigative Panel or Investigative Officer); and
- iv. Make a recommendation to the President through the Samaj Complaints Manager, that the complaint has:
 - a. been substantiated, and that further action is required, and recommend what that further action might be;
 - b. not been substantiated, and that no further action should be taken.
- v. The Executive Committee will:
 - a. receive and consider the recommendations of the Investigative Panel;
 - b. Rule on the complaint and advise the complainant of its findings, through the Samaj Complaints Manager.

2.3 Stage 3 – Appeals Process

If a complainant or respondent believes that a formal complaint has not been resolved within a reasonable timeframe, or if the processes used to resolve the complaint have been defective, a request for a review of the procedures can be lodged with the Chairman of the Board of Trustees.

- i. An appeal may be lodged with the Chairman within 25 working days of notification of the outcome of the complaint and the grounds for appeal must be clearly set out.
- ii. Upon receipt of the appeal, the Chairman of Trustees shall undertake a preliminary review to determine the validity of the appeal. Once determined, and within 10 days of receiving the appeal, the Chairman may:
 - a. Dismiss the appeal if not valid;
 - b. Make a determination in relation to the appeal; or
 - c. Refer the appeal to an Appeal Committee.
- iii. If the appeal is referred to an Appeal Committee, it will be determined by a committee comprising:
 - a. The Chairman of Trustees;
 - b. Any 2 other non-executive trustees;
- iv. In considering an appeal the Committee:
 - a. will obtain and consider the written letter of appeal alleging breaches of procedures; and

- b. may obtain and consider any other material that in its opinion is relevant to the process
- v. Where the Appeals Committee finds that the correct procedure had not been followed, it will direct the President of the Samaj to take further action as appropriate.

2.4 Stage 4 – Referral to Outside Agencies

Any person, at any time, may make a complaint to an external agency, such as the Department of Labour, SARS, a Court of Law, etc.

Where a complainant refers a complaint to an outside agency, the Samaj may cease dealing with the complaint while the external process is under way.

C. COMPLAINTS RESOLUTION GUIDELINES

1. PREAMBLE

These Guidelines support the Complaints Resolution Policy and Complaints Resolution Procedure.

2. GUIDANCE FOR PARTICIPATION IN THE COMPLAINTS PROCESS

- 2.1 An official, staff member or community member who is unsure of how to make a complaint can seek advice from the Samaj Complaints Officer i.e. the authorised Samaj Administrator;
- 2.2 A person who is the subject of a complaint (the respondent) can seek advice from the Samaj Complaints Officer, the Samaj Complaints Manager or the President.
- 2.3 People involved in the complaints processes that are victims of retaliation, or fear that they will be subject to retaliation, should report their concerns to the Samaj Complaints Manager;
- 2.4 Complainants and respondents should be aware that the aim of the complaints process is to assure a fair process and not a specific outcome. An individual's objection to or disagreement with a particular Samaj process or decision does not necessarily mean that the process or decision is unreasonable or unfair, and does not by itself constitute sufficient grounds for having it changed, or for appealing against a decision not to change it.
- 2.5 Complaints can be stressful to all participants. However, the rights of all participants, including the right to courtesy and procedural fairness, must be respected at all times;
- 2.6 Where a person involved in a complaint behaves in a threatening, rude or harassing manner toward officials or staff, the Samaj Complaints Manager may decline to further consider the complaint and institute proceedings for misconduct against the

person under applicable rules or policies of the Samaj or refer the matter to an external agency.

- 2.7 The Samaj may decline to deal with a complaint at any time where the Samaj forms the view that the complaint is frivolous, vexatious, lacking in substance, and/or lacking in currency (dated issue). The Samaj Complaints Manager will discuss with the President the possibility of determining that a person is a vexatious complainant prior to making a decision to cease dealing with the complaint. Staff or community members who make vexatious complaints will be subject to the misconduct provision under the appropriate agreements.
- 2.8 The Samaj will not act on the basis of an anonymous complaint under any circumstances.
- 2.9 In cases where multiple complaints relate to similar circumstances, complaints will be assessed separately on their individual merits, in order to afford procedural fairness to all affected persons. In such circumstances, to safeguard procedural fairness, prospective complainants are urged to avoid collusion.
- 2.10 A person's capacity to make a complaint exists only in relation to issues which affect his or her interests and therefore a person does not have authority to make complaints either jointly with others, or on behalf of others.
- 2.11 Complaints can be made about breaches of the Samaj constitution, code of conduct or the Financial & Administrative Manual or of the conduct of its officials and staff.

3. RESPONSIBILITIES OF PARTICIPANTS IN THE COMPLAINTS PROCESS

3.1 The President of the Samaj is responsible for:

- i providing leadership in demonstrating a commitment to the resolution of complaints made to the Samaj;
- ii. ensuring there is an effective, timely, impartial, and just system for dealing with complaints;
- iii. making final decisions relating to referred complaints within the Samaj process;
- iv. providing reports to the Board of Trustees on the number, type and nature of complaints received.

3.2 The Samaj Complaints Manager is responsible for:

- i. Overall management and monitoring of complaints handling within the Samaj;
- ii. Ensuring the prompt resolution of complaints;
- iii. Providing independent and impartial advice to officials and staff members who have received and are handling a complaint;
- iv. Providing independent, impartial and confidential information to complainants and respondents about the procedures for dealing with complaints including listening to the issues and helping the person clarify the facts;
- v. Identifying and investigating systemic issues arising from complaints and recommending organisational improvements;
- vi. Identifying training needs of the staff handling complaints;

- vii. Providing advice to the Executive Committee on any action the Samaj needs to take to protect or improve the integrity of policies and procedures;
- viii. Providing regular reports to the executive committee on the number, type and nature of complaints received.

3.3 The Samaj Complaints Officer is responsible for:

- i. Providing advice on and assisting with the resolution of informal complaints;
- ii. Keeping a record of the nature of the informal complaint and providing statistical information to the Executive Committee;
- iii. Receiving formal complaints in writing and documenting the formal complaint;
- iv. Notifying the formal complaint to the relevant Samaj Complaints Manager and President.

3.4 Complainants are responsible for:

- i. Providing a clear and honest account of their concerns and their expectations for the outcome of their complaint, including providing all relevant information and documents to assist in the investigation and/or resolution of the matter;
- ii. Engaging openly and in good faith in the complaint handling process, including participating in discussion with other parties to resolve the concerns;
- iii. Responding to Samaj requests for information within 10 working days;
- iv. Respecting the rights of those individuals involved in the complaint handling process.

3.5 Respondents are responsible for:

- i. Providing a clear and honest account of their concerns and their expectations for the outcome of the complaint, including providing all relevant information and documents to assist in the investigation and/or resolution of the matter;
- ii. Engaging openly and in good faith in the complaint handling process, including participating in discussion with other parties to resolve the concerns;
- iii. Responding to Samaj requests for information within 10 working days;
- iv. Respecting the rights of those individuals involved in the complaint handling process.

4. INFORMATION MANAGEMENT

Complaints can be handled in a number of different ways:

- i. Informally where they are easy to resolve without the need for further investigation;
- ii. Formally, where a written record of the complaint is required and further investigation is undertaken; or

- iii. In special circumstances, as a protected disclosure which is described in 4.2 below.

In all cases privacy and confidentiality is of the utmost importance.

4.1 Privacy & Confidentiality

The privacy and confidentiality of parties to a complaint will be respected to the extent practicable and appropriate; with acknowledgement that there are some circumstances in which there are legal and moral obligations to disclose complaints. Persons dealing with complaints should not improperly disclose any information obtained in the complaint handling process.

4.2 Public Interest Disclosures

Incidents of corrupt conduct, maladministration, the substantial waste of public money or contravention of the Samaj constitution can be reported to the Samaj Complaints Manager for investigation.

The Samaj will take reasonable steps to protect officials and employees that make disclosures; members of staff who are witnesses or provide information; and officials that assess, investigate or determine the outcome of the disclosure, from any detrimental action in reprisal for their involvement in the disclosure.

4.3 Record Keeping

Information on complaints received will be recorded and kept by the Samaj Complaints officer. Accurate records will be kept dealing with a complaint, including recording of key steps in the handling of complaints and the reasons for all significant decisions. The files relating to complaints are confidential and cannot be accessed by unauthorised people.

4.4 Reporting

The Samaj will seek to maintain the confidentiality of all parties involved in a complaint process. However, in the course of dealing with a complaint, information may be received that must be reported, either internally or externally.

The Samaj has a legal and moral duty to report situations which:

- i. Involve allegations of corrupt conduct;
- ii. Involve criminal conduct; or
- iii. Involve allegations of reportable conduct against children.

This policy document was approved at a meeting of the executive committee held on Monday 27 January 2014.

Ramesh Chhagan

President: SPHSS

Bhaavic Chhana

Secretary General