

# ● INTERNAL CONFLICT RESOLUTION POLICY

Policy no: BPO5

## ● Policy detail

Policy description	This Policy details the framework for handling internal conflicts within AIA.
Policy applies to:	<p>Members, activists, volunteers and supporters. Those authorised to deal with internal complaints and dispute resolution.</p> <p>The Policy <b>does not apply to conflicts between employees or between a member, activist, volunteer or supporter, and an employee.</b></p>
Policy owner:	National Board

## ● Policy approval

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# 1. Policy scope and overview

## 1.1 Introduction

It is good practice for Amnesty International Australia (AIA) to have in place a policy to assist with resolving internal conflicts.

The process of making a complaint and investigating should be easy for complainants to understand and access, with complaints acknowledged in a timely manner, and addressed promptly, with the complainant being kept informed throughout the process.

Complaints should be dealt with in an equitable, objective and unbiased manner to ensure that the process is fair and reasonable. Unreasonable complainant conduct should not be allowed to become a burden.

This policy is a part of AIA's Risk Management Framework and has been developed with reference to the Australian Standard on Customer Satisfaction – Guidelines for complaints handling in organisations AS/NZS 10002:2014.

## 1.2 Scope

This policy applies to the resolution of internal conflict situations and is to be read in conjunction with the:

- Dispute Resolution Procedures
- Privacy Policy
- [Code of Conduct](#)
- Appeal Policy
- Grievance Procedures (where staff are involved)
- Managing Unreasonable Conduct Policy
- Whistleblower Policy
- Amnesty International Australia's Values and Behaviours
- Inclusive Language and Events Guide

This policy applies to members, activists, volunteers and supporters. This policy does not apply to employment complaints or disputes between employees and their employer. These are covered by the relevant employees' conditions of employment. The policy also does not apply to conflicts between an employee and any of the following: a member, activist, volunteer or supporter.

## 1.3 Overview

- All complaints should come to the Complaints Officer in the first instance;
- If the Complaints Officer does not resolve the complaint, it becomes a dispute;
- A dispute is handled by mediation and/or determination by an independent person; and

- There is a right of appeal in accordance with the Appeal Policy. However, in the case of suspension or revocation of membership of the member the process contained in the AIA Constitution is the only appeal process available.

## 2. Definitions

Activist	Individuals who take part in actions such as letter writing, signing petitions or demonstrating.
Complaint	<p>A complaint is an expression of dissatisfaction, to which a response or resolution is explicitly or implicitly expected, in relation to:</p> <ul style="list-style-type: none"> <li>• an AIA stance, event or campaign</li> <li>• the operation and management of AIA</li> <li>• actions of individuals acting on behalf of AIA.</li> </ul>
Dispute	A dispute is usually a complaint which has been through the complaint handling process and has not been resolved to the satisfaction of the complainant(s).
Independent person	The Independent Person is a member of the Governance Committee (not including a board member or staff member). The Governance Committee will nominate the independent person annually. The role of the independent person is to mediate conflicts between members of the movement.
Member	Individuals who are members under the AIA Constitution.
Supporter	Individuals who make a donation to AIA.
Volunteer	Individuals who give their time to support AIA in a range of activities without remuneration and who is not a member, supporter or activist.

## 3. Complaint handling process

The Complaints Officer is responsible for managing all internal complaints. In the event that the Complaints Officer is the subject of the complaint, the National Director will appoint an alternate person.

The complainant(s) must state in writing to the Complaints Officer, a statement of the facts, copies of documents if relevant, identifying the rights which are alleged to have been violated and a statement of the remedy sought.

Before the Complaints Officer decides to investigate a complaint, more information may be needed, which may be requested from the complainant or any relevant third party. If the Complaints Officer is of the opinion that the complaint can be resolved, they will attempt to do so. Prior to the Complaints Officer accepting management of a complaint:

- The complainant(s) should be encouraged to agree the matter either between themselves or with the assistance of an appropriate person. The identity of an appropriate person will differ depending on the circumstances. .
- The Complaints Officer should be satisfied that the complaint is not vexatious and related to a matter of substance, such as that it is unfair, inequitable, discriminatory or a hindrance.

### **3.1 Complaint response timeframes**

The Complaints Officer will endeavour to address all complaints as soon as possible, ideally within 30 days of receipt, subject to the parties in dispute being in agreement with the process. Any objections to the process must be reasonable.

Complaints not resolved in 60 days should be reported to the National Board.

Throughout, fairness to both parties, natural justice, the right to respond to allegations and reasonableness will apply.

### **3.2 Complaints Process**

The Complaints Officer (or the National Director's appointed alternate) may in their sole discretion determine the process for dealing with the complaint having regard to the principles in 3.1 above. The Complaints Officer may elect to follow the process set out in the Grievance Procedure.

The Complaints Officer (or the National Director's appointed alternate) will determine whether or not to provide a written report, written recommendations or a verbal report and/or recommendations to the parties at the conclusion of the process the Complaints Officer elects to follow in resolving the complaint. In all cases the Complaints Officer will advise the parties of the process the Complaints Officer will adopt for resolving the complaint prior to dealing with the complaint.

### **3.3 Unresolved complaints – dispute resolution**

When the complainant is advised of the outcome of their complaint, they should be informed of their right to have their complaint referred through the dispute resolution process if they are not satisfied with the outcome. A complaint becomes a dispute at this point.

### **3.4 Going straight to Dispute Resolution**

If, in the opinion of the Complaints Officer and/or the National Director, the subject matter of the complaint and/or the parties to the dispute warrant it, the matter can be dealt with under the Dispute Resolution process in the first instance at their sole discretion. Parties to the dispute will be advised in writing of this course by the Complaints Officer.

## **4. Dispute resolution**

The Complaints Officer and/or National Director is responsible for managing all disputes through the dispute resolution process. It should be made clear to both parties that it is likely to be in the best interests of the organisation (in terms of time and resources) for the matter to be settled prior to invoking the Dispute Resolution process.

Dispute resolution refers to the process by which an independent person assists those in a dispute to resolve the issues between them and may take the form of:

- Mediation – where an independent person assists the parties to reach an agreement; or
- Independent person determination – where the parties agree that an independent person evaluates the dispute and makes a determination.

Effective dispute resolution under this policy depends on some level of agreement from the parties concerned.

- Mediation requires parties to a dispute to agree to cooperate and to genuinely work towards an outcome which may involve accepting some concessions to their position for the sake of reaching an agreement that both parties can accept.
- Independent person determination requires parties to a dispute to agree to an independent person and to accept the determination.

If one or more of the parties is unwilling to give agreement and is considered to be obstructing constructive resolution of the dispute<sup>1</sup>, this may be treated as unreasonable conduct.

## **5. Appeal**

There is a final right of appeal to the National Board and Appeal Committee pursuant to the Appeal Policy in the event that one of the parties alleges that the independent person erred in their finding. Evidence and reasons must be given to the satisfaction of the Complaints Officer before the matter being referred to the board for a merits review.

The National Board can either confirm or overturn the independent person's determination, substituting their own determination.

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<sup>1</sup> For example, by not having reasonable grounds

## **5 Policy Governance**

### **5.1 Complaint Register**

The Complaints Officer will maintain a register of all complaints.

### **5.2 Reporting**

Information highlighted by the receipt of a complaint and, in particular root cause analysis, is used as a management tool to identify weaknesses or failures in systems, procedures and controls.

Statistics reporting, including root cause trends, volumes and processing times is provided regularly to the Audit and Risk Committee.

### **5.3 Review**

This policy will be reviewed every three years, or more frequently if required, due to legislative or operational changes.

### **5.4 Board approval**

Amendments to this policy are to be first approved by the Governance Committee prior to obtaining the approval of the Board.

### **5.5 Supporting documentation**

Documentation related to the complaint, including details of the complaint and all relevant and related responses and executed settlement agreements, should be retained for a period of 7 years.

## **Dispute Resolution (Mediation) process**

The parties in dispute should meet with an independent person to discuss the problem and to try to resolve it.

The independent person, at this stage, should act as a facilitator. In so far as possible, the parties in dispute should be encouraged to be clear between themselves about what the problem is and each should articulate their preferred outcome. The independent person must communicate the process they intend to adopt in writing to the parties. The process to be adopted must conform with the principles set out in 3.1 of this Policy.

For the avoidance of doubt, the independent person in their sole discretion will determine the appropriate process for mediation of the dispute, which can include the process contained in the Grievance Procedure.

The independent person is set out in the Dispute Resolution Matrix. In the event that the parties to the dispute – or either of them – reject the independent person, the National Director can determine at their discretion whether to appoint another independent person set out in the Dispute Resolution Matrix or appoint an external dispute resolution person or entity. The external dispute resolution individual or entity will be selected at the sole discretion of the National Director.

The independent person (either internal or external) may at their sole discretion provide a written report, written findings and/or written recommendations to the parties to the dispute. The independent person or entity must advise the parties of the process that they will adopt in handling the dispute. For the avoidance of doubt, the process is set at the sole discretion of the independent person or entity and must be conducted in accordance with the principles set out in 3.1 of this Policy.

### **1. Outcomes**

At the conclusion of the process of dispute resolution the National Director will decide as to the consequences flowing from the dispute, if any.

In making this decision, the National Director will have regard to the findings of the independent person or external independent person or entity as well as the relevant party's compliance with the AIA Values and Behaviours Charter, Code of Conduct and the New South Wales Ombudsman's Managing Unreasonable Conduct by a Complainant Manual (MUCC).<sup>2</sup> The behaviours identified and defined in the MUCC will inform the National Director's decision.

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<sup>2</sup> '... unreasonable conduct by a complainant is any behaviour by a current or former complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and complainants or the complainant themselves.

UCC can be divided into 5 categories of conduct:

- unreasonable persistence
- unreasonable demands

The consequences may include (depending on the nature of the relationship of the relevant party) but are not limited to:

- A non-member may be asked to not engage with the organisation – or any person associated with it including a member, staff member or other activist, volunteer or supporter – for a period of time determined by the National Director
- A member may be asked to not engage with the organisation – or any person associated with it including a member, staff member or other activist, volunteer or supporter – for a period of time determined by the National Director
- Depending on the seriousness of the behaviour of the member, they may be referred to the National Board for consideration of whether or not the person's membership of AIA will be either suspended or revoked in accordance with the AIA Constitution.

The National Director will communicate their decision to the relevant party in writing within 28 days of the conclusion of the dispute resolution process.

The person (member or non-member) may seek to appeal the decision of the National Director under the Appeal Policy within 14 days of receipt of the decision of the National Director. In the case of suspension or revocation of membership of the member the process contained in the AIA Constitution is the only appeal process available.

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- unreasonable lack of cooperation
  - unreasonable arguments
  - unreasonable behaviours.'

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accessed at <https://www.ombo.nsw.gov.au/Find-a-publication/publications/guidelines/state-and-local-government/managing-unreasonable-complainant-conduct-a-model-policy-and-procedure> on 10 February 2023