

Dispute Resolution and Complaints Handling Procedure

Contents

Purpose	2
Definitions	2
How to report complaints/disputes	2
What to include in a report for investigation and resolution:	5
Negotiation for Resolution between two parties (internal and external)	5
How IDCN will respond to and close a complaint	6
Timeline	7
Overall Complaints process	7
Categories of complaints and related IDCN Personnel (Summary)	8

	Updated By:	Amendment or Review Details
Name	Eleanor Loudon	IDCN Dispute Resolution and Complaints Handling Procedure finalised.
Date	23/9/2023	

Purpose

This is the International Dzogchen Community of Namgyalgar's (IDCN) Dispute Resolution and Complaints Handling Procedure. The purpose of this document is to guide complainants through the process of registering and resolving a matter, in addition to strengthening IDCN's risk management systems. The process aims to acknowledge the experience of the complainant, providing a confidential, safe and inclusive environment through which to raise and resolve matters.

IDCN is committed to acting professionally, fairly and with integrity in all IDCN relationships and business dealings wherever IDCN Australia operates, and implements and enforces effective systems through a just and fair system.

This procedure outlines IDCN Australia's requirements regarding the management of complaints and disputes, which protects you, your reputation (as well as IDCN's reputation) and minimises potential negative consequences for you and IDCN. All employees, members, volunteers, contractors, Gakyil members, teachers, members of the public and other members of community that IDCN has relations with can gain guidance by abiding by this procedure for complaints handling process.

Definitions

IDCN Personnel: Anyone who is representing IDCN is considered IDCN Personnel. This includes staff, Management Committee members (Gakyil and Shang Shung Institute of Australia), volunteers, members, teachers and course coordinators, contractors and subcontractors, and members of the public.

Remaining definitions (such as 'complaint' and 'complainant') can be found in the IDCN Dispute Resolution and Complaints Handling Policy.

How to report complaints/disputes

All allegations, disputes or complaints can be registered via the Complaints and Whistleblowing webpage or by contacting the Safeguarding Focal Point/ Treasurer.

For more detailed guidance on complaint reporting, please refer to the table below:

What to include in a report or complaint	Subject matter of the report or complaint	Who to report to and when
All reports must include all relevant details such as location, time and date of the incident/misconduct occurring, as well as the concerned personnel involved and/or affected, as per complainant's wishes to disclose	Exploitation, abuse or harassment of individuals under the age of 18 years.	Report the complaint via: • The Complaints and Whistle-blower reporting mechanism on the IDCN website OR • immediately in person, over the phone or via written communications of an email or a letter to the relevant Course Manager/Namgyalgar Caretaker, or the Safeguarding focal person (focal point details can be found below). The report will be escalated to the Gakyil and, where required, referred to the local

		authorities.
	Allegation, disclosure, or witness of sexual exploitation, abuse, or harassment involving: a beneficiary, IDCN personnel, community member/member of the public, or person/organisation involved in IDCN work or related activities. This also includes any concerns regarding IDCN implementation of its PSEAH Policy. For any advice regarding SEAH, please contact the PSEAH focal person (details below)	Report the complaint via: • The webpage for Complaints and whistleblowing, OR • in person, over the phone or via written communications of an email or a letter to the relevant Course Manager/Namgyalgar Caretaker, or the Safeguarding focal person (focal point details can be found below). The report will be escalated to the Gakyil , and, where required, referred to the local authorities.
	Breach of policy code of conduct, policy non-compliance, or concerns regarding fraudulent/ financial misconduct within IDCN work or related activities.	Report to the Treasurer or other Yellow Gakyil member, immediately. The report will be escalated to Gakyil and, where required, referred to the local authorities.
	Concern of any other serious misconduct or wrongdoing (can be made anonymously).	• Make a report through the Complaints and Whistleblower reporting mechanism via the IDCN website. • in person, over the phone or via written communications of an email or a letter to the relevant Course Manager/Namgyalgar Caretaker, or the Safeguarding focal person (focal point details can be found below).
	Other concerns outside of those listed	• Make a report through the Complaints and Whistleblower reporting mechanism via the IDCN website • to the relevant Course Manager/Namgyalgar Caretaker, or the Safeguarding focal person (focal point details can be found below).
	Complaints/incidents that do not fall within the scope of this policy (e.g. <i>complaints against an employee of another organisation or government department</i>)	Cannot be handle by the ICDN if outside of scope, but it is preferred that if there is a question of scope, that the complaint be made using t the processes outlined above.

		If needed, these reports will be assessed and referred to another organization, community member, or to the relevant subject of the complaint as deemed fit by the CEO and Board.
--	--	---

What to include in a report for investigation and resolution

To ensure IDCN can give fair and efficient consideration to your complaint as much information as possible should be provided. Additionally, a disputes or complaints report can also be provided if the complainant (or anyone else involved), is reporting on someone else's behalf and they wish to disclose these details.

For those who chose to submit a report via email or post, over the phone or in person, IDCN advises to provide all relevant details such as:

1. Your Name
2. Address (if relevant)
3. Email address
4. Telephone number
5. Details of the complaint (provide as much information as possible, including detailed descriptions of the circumstances in which the dispute arose)
6. Date of the complaint occurring
7. Current date
8. Concerned personnel involved/affected
9. References to any:
 - a. provisions of any relevant agreements in place between the complainant and the other party/parties to the dispute (such as Course /Hire/ Contractor agreements);
 - b. acts or omissions of any person involved
10. Where applicable, the amount in dispute (whether monetary or any other commodity) and if not precisely known, the best estimate available.
11. If you would like to be kept anonymous or not – deidentified report
12. The outcome you would like to see as a result of your complaint

Negotiation for Resolution between two parties (internal and external)

If any dispute arises either between IDCN personnel and personnel outside of IDCN, the complainant or a party to the dispute may give notice to the other party or parties involved in the dispute (via a **Dispute Notice**). This process is optional, and if conducted, must be completed **after** providing the initial dispute/complaint report to relevant IDCN personnel (please see table 1 above) for investigation and resolution.

The **Dispute Notice** to the other parties involved must:

- be in writing (via email or post);
- state that it is given pursuant to this negotiation;
- include or be accompanied by reasonable and relevant details of the dispute. (Can be similar to details provided to IDCN for investigation and review. The detail in which the notice is provided to the other parties to the dispute is to be decided by the complainant)

Please see section above - 'What to include in a report' - for more guidance.

Review and investigation period (if external parties are involved)- Within 10 Business Days of the complainant giving the Dispute Notice.

The relevant representative(s) from each of the parties to the dispute, along with an IDCN representative involved in the investigation process, are recommended to meet at least once within the aforementioned timeframe (and for all safeguarding and/or sensitive complaints, only if the survivor wishes to do so) to attempt to resolve the dispute. If for any instance the affected persons (survivor) may not want to meet the other parties involved, they may delegate a representative on their behalf.

The parties must not delegate the function of the relevant representatives to any other persons (unless if requested by affected persons as listed above), and if more time is needed, this should be outlined in the initial meeting or in writing via email.

The relevant representatives from each of the parties may meet more than once to resolve a dispute. They may meet in person, via telephone, videoconference, internet-based instant messaging or any other agreed means of instantaneous communication to effect the meeting.

Each party warrants that their representative has full authority to resolve any dispute.

Review and investigation period for all internal complaints (within IDCN) - Within 5 Business Days of the complainant providing the report, all IDCN parties involved, along with an IDCN representative involved in the investigation process, must meet at least once to attempt to resolve the dispute (and for all safeguarding and/or sensitive complaints, only if the victim/survivor wishes to do so). If more time is needed, this should be outlined in the initial meeting or in writing via email.

How IDCN will respond to and close a complaint

- The IDCN person that receives the complaint is tasked with delegating the complaint to the appropriate IDCN focal point or Gakyil member.
- IDCN will communicate our decision on a complaint **as soon as is practical and within 30 business days** of receiving the complaint. If more time is required, this will be communicated to the complainant.
- IDCN's communication will be in writing in the appropriate language through email.
- IDCN encourages the complainant to respond and advise as to whether or not they are satisfied with our decision. In our decision we will advise that if a complainant is not satisfied, we will be prepared to consider any additional information they may provide and to review our decision.

Timeline

Step 1: Receiving an allegation/dispute/complaint: IDCN Personnel or members of the public should be notified of the fact that their allegation/dispute/complaint has been received by IDCN **immediately after, or within 2 working days** of receipt.

Step 2: Review and Investigation of complaint/dispute: Upon receiving the allegation/dispute/complaint, the review and investigation process should take no longer than the following:

- **If internal parties are involved (within IDCN): Within 14 Business Days** of the complainant providing the report
- **If external parties are involved: Within 30 Business Days** of the complainant providing the Dispute Notice to the other parties involved

Please see 'Negotiation for Resolution' above for more information on what actions are to be taken to resolve a dispute between two parties during the review and investigation of the complaint/dispute.

Decisions on serious complaints may be referred to the Gakyil.

If it cannot be resolved in this time frame, notification in writing will be given outlining the ongoing process and a tentative timeframe of response.

Step 3: Resolution of, and communication of outcome to the complainant: All complainants will receive a response outlining the outcome of their complaint once the decision upon review has been finalised **in the total timeline of 20 Business days (internally) or 45 Business days (if needing to refer it to a partner) from first providing the complaint report to IDCN.**

This timeframe of 20 or 45 business days is the total timeframe from start to finish of the dispute and complaints resolution process -right from receiving the complaints report, review and investigation of the complaint, to the final step of resolution and communication of the outcome to the complainant.

If additional time is required, IDCN will contact the parties involved to inform them of the same, as well as the progress of the investigation and any relevant updates up to that point.

Overall Complaints process

The process that any IDCN person takes after receiving a complaint is as follows:

- IDCN receives a complaint, either in person, via the online report through IDCN's website, over the phone, by email or in a letter.
 - If the complainant has not submitted a written report and has instead provided a verbal report, and requires assistance to complete the form, the IDCN focal point for delegate should provide this support to the complainant. This must occur for all people making a complaint, no matter the severity.
- The IDCN recipient will notify the relevant IDCN focal point and the IDCN Gakyil that a complaint has been made, unless the complaint relates to the focal point or Gakyil member in which case, another Gakyil member will be notified.
- The focal point will delegate responsibilities for handling the complaint accordingly. Personnel implicated in the complaint will not be involved in the investigation, irrespective of how the complaint is made.
- The focal point or delegated IDCN member then reviews the Complaint Form/report that was submitted, and sends the complainant IDCN's Dispute Resolution and Complaints Handling Policy and Procedure document.
- The complainant will receive written notification within 2 business days of their complaint being received. The complainant will also be provided with the name and contact details of their IDCN point of contact at this time.
- The focal point or delegated IDCN member then starts the review and investigation process and outlines the best way to handle the complaint in a timely manner (Please refer to the Timeline section below for more information).
- The complainant may want to provide a Dispute Notice to the other parties involved in the complaint (please refer to the 'Negotiation for Resolution between two parties (internal and external)' section above for more guidance).
- An outcome of the investigation and review (Resolution) will then be provided to the complainant in a timely manner and communication will be kept open so as to facilitate an open process of resolution. (Please refer to the Timeline section below for more information).
- In total, this **overall process** from receiving the complaint, to resolution and communication of the outcome to the complainant or parties involved, can take up to **15 business days** (if it can be handled internally) or **30 business days** (if it needs to be referred externally to a partner, or external parties are involved).
- Once an appropriate response and outcome has been decided within the correct timeframe, as mentioned above, all complainants will receive a response on the outcome, not more than 45 business

days from when the complaint was first registered. If more time is required, IDCN's focal point or delegate will communicate this to the complainant in advance.

- Complainants will also be given a chance to review the outcome and provide feedback regarding their satisfaction on the outcome. If dissatisfied with the outcome, relevant IDCN will revisit the outcome and work with the complainant to come to a satisfactory resolution and outcome.
- The IDCN Complaints Report will remain a "living" document until the complaint has been resolved to full satisfaction of all parties involved. After resolution and communication of the outcome to the complainant and all parties involved, the complaint will be handled confidentially and information in relation to the complaint and any subsequent investigation will be securely stored and destroyed after 7 years. Please review our [Privacy Policy](#) for more information.

Categories of complaints and related IDCN Personnel (Summary)

This is a summary table of relevant IDCN Personnel across the various categories of complaints. For how to report complaints, please refer to Table 1 above which will outline the procedure in more detail.

Complaint	Relevant IDCN Personnel
Safeguarding, Child Protection and Diversity/Belonging or any complaint first point of contact	• Focal Point Eleanor Loudon Treasurer – Dzogchen Community of Namgyalgar M: 0422 731 906 safeguarding@dzogchen.org.au OR namgyalgar.treasurer@dzogchen.org.au
Follow up	
Finance, Fraud, Corruption, Bribery	• Treasurer • Yellow Gakyil
Program related issues	• Course Coordinator • Blue Gakyil • Shang Shung Institute representative
Complaints against IDCN Management	• IDCN Focal Point, or if Focal Point is involved, other IDCN Gakyil Member
Communications and Fundraising	• Administration Officer • Yellow Gakyil

Quick Guide to reporting by:

- **The IDCN Complaints and Whistle-blowing webpage**
- **General IDCN Email address:** treasurer@dzogchen.org.au
- **Postal address (can be addressed to the IDCN or other relevant IDCN Personnel):**
International Dzogchen Community of Namgyalgar
PO Box xxx
- **IDCN Phone number:** +61 (0)7 5438 7696