

JPs in the Community Program

Supporting and managing our
participants policy

Contents

Version history	1
Purpose	2
Background	2
Policy statement	3
The obligations of a participant in the Program	3
Dispute resolution.....	3
Confidentiality and privacy	3
Complaint investigation process.....	4
Support for participants during the complaint investigation process.....	4
Standing aside and temporarily suspending participants pending the outcome of the complaint investigation process.	4
The decision making process	5
Dismissal	5
Appealing dismissal.....	6
Employee assistance program	6
Glossary.....	7
Relevant forms.....	7
Related policies and procedures.....	7
Related legislation.....	7
Websites	7

Version history

The following table outlines the high level changes that have been made to each version of this document

Version:

1. January 2019
2. May 2019

Purpose

To ensure:

- public confidence in the JPs in the Community Program (the Program)
- the resources of the Justices of the Peace Branch (JP Branch) are used effectively, and
- that complaints concerning participants in the Program are dealt with fairly and efficiently.

The JP Branch recognise that members of various QLD justices' associations contribute their time and experience to become involved in the Program. With consideration to the various QLD justices associations and their members, it should be noted that:

- Program policies are produced as part of an ongoing Program review and are to be applied to the Program and its volunteers, and
- Program policies are not meant to be applied against the constitution, members, operations or administration of any QLD justices association, however Program policies will apply to QLD justices' association members who are volunteers in the Program.

Background

In 2003, the Program was established to provide Queenslanders with easy access to witnessing services. Justices of the Peace and Commissioners for Declarations (participants), who have registered with the JP Branch, provide witnessing services at community signing sites throughout Queensland. The JP Branch, a division of the Department of Justice and Attorney General (DJAG), administers the Program.

The JP Branch may receive a complaint concerning the conduct of a participant in the Program. It is important that all complaints are handled sensitively and fairly, affording procedural fairness to the person making the complaint and to the participant in the Program who may be the subject of a complaint. This policy does not apply to the conduct of Justices of the Peace (JPs) and Commissioners for Declarations (Cdecs) when they are not at Program signing sites.

The JP Branch understands that the fact a complaint has been made can cause great distress to a participant. A complaint is an allegation that misconduct has occurred, ranging from the manner in which a participant speaks to another person, through to more serious allegations, such as a participant being under the influence of drugs or alcohol when witnessing documents at a Program site.

In order to provide certainty and confidence in the Program, the JP Branch has produced this policy outlining the process the JP Branch will undertake when it receives a complaint alleging misconduct, concerns or issues connected to a participant in the Program at a signing site.

This policy has been produced to outline to all interested persons the process the JP Branch will undertake in relation to a complaint, including the investigation process and, in the event negative behaviour engaged in by a participant is proven, how that behaviour will be dealt with, including, if necessary, by way of disciplinary action.

This policy will be available on line and will form part of the induction pack for new participants. It will be circulated to all participants and become part of the suite of policies produced in guiding and implementing the Program.

Policy statement

The JP Branch is committed to delivering high quality witnessing services that respond to community needs. The JP Branch values the benefits of effective complaint handling and the provision of fair standards and natural justice in all its dealings.

The JP Branch will ensure where any complaint about the conduct of a participant in the Program requires investigation, that investigation will be conducted fairly, reasonably and in accordance with the principles of natural justice.

The obligations of a participant in the Program

All participants in the Program must adhere to:

- their duties as set out in the [handbooks](#) for Justices of the Peace and Commissioners for Declarations,
- the [Code of Conduct](#) for Justices of the Peace and Commissioners for Declarations,
- the [Principles of operation for volunteer Program](#), and
- policies and procedures of the Program, as advised from time to time.

Participants also have a responsibility to keep up to date with their knowledge of witnessing practices. In addition to the Handbooks, the JP Branch facilitates regular bulletins, free webinars, workshops and seminars to help participants in the Program update their knowledge and skills. More information about these professional development opportunities can be found on the JP Branch website.

If the Registrar believes that a participant's knowledge may be deficient, the Registrar may direct a participant to undertake approved professional development. This may include, but is not limited to, online courses, face-to-face meetings, or one-on-one counselling.

In the event that a participant fails to comply with a request from the Registrar to undertake approved professional development within a reasonable period of time, the Registrar has the discretion to suspend that participant from the Program until such time as the participant has undertaken the approved professional development nominated by the Registrar.

Dispute resolution

Mediation can be arranged where there is a dispute between a member of the public and a participant, two or more participants, the entire Program signing site, or between the JP Branch and one or more participants. This can be arranged through the Registrar or directly with DJAG's Dispute Resolution Branch (DRB). Participation is voluntary.

<https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/settling-disputes-out-of-court/mediation>

Confidentiality and privacy

The JP Branch adheres to the principles outlined in the *Information Privacy Act 2009* in relation to any personal information disclosed by a participant during the course of investigation into alleged conduct by that participant.

It is important to note that not all information disclosed by a participant during the course of an investigation into alleged conduct can remain private and confidential. Procedural fairness may require the competing versions of events to be put to the complainant and to the participant. The complainant and the participant are entitled to know the outcome of any investigation conducted.

Complaint investigation process

Where the JP Branch considers a complaint requires investigation, the participant will:

- be given notice of the complaint, including sufficient particulars of the complaint to enable the participant to fully respond to the allegations;
- have the opportunity to fully respond to the allegations in a minimum of 21 days from the date on which the participant was given notice of the complaint and may request the JP Branch provide further time to enable them to respond to the complaint.

Support for participants during the complaint investigation process

Upon request, the JP Branch will ensure that a support person is provided to any participant who is requested to participate in an investigation. JP Branch will discuss with the participant an appropriate support person with whom the participant may discuss the investigation process.

Standing aside and temporarily suspending participants pending the outcome of the complaint investigation process.

The JP Branch understands that the existence of a complaint about a participant may be very distressing to them. Upon the JP Branch notifying the participant of the complaint, the participant may wish to stand aside from participating in the Program for a period of time. The participant may discuss with the representative of the JP Branch for how long they wish to stand aside.

The Registrar may temporarily suspend a participant from participating at a nominated Program site or from participating in the Program at any site. This may be from the time that JP Branch notifies the participant of the commencement of an investigation until finalisation of the investigation into the complaint.

Where one participant makes a complaint about the conduct of another participant, the Registrar may decide to temporarily suspend both participants from a nominated Program site or from participating in the Program at any site.

The Registrar will inform a participant in writing of their temporary suspension from a nominated site or from all sites and the period of the suspension.

Where a participant is temporarily suspended by the Registrar from a site or from the Program, the JP Branch will inform the site coordinator/s in writing that the participant is unable to perform duties at all relevant signing sites until further written notice is given by the JP Branch to the site coordinator.

To protect the participant's privacy, the JP Branch will not provide a reason for the participant's unavailability.

Once the temporary suspension is lifted, the participant may contact the site coordinator/s to make arrangements to resume duties in the Program.

The decision making process

The Registrar will assess the relevant information that has been gathered during the investigation process and seek further information if required. Following receipt of the participant's response, it may be necessary to request the complainant or a third party to supply further information to the Registrar.

If any further information collated by the JP Branch is to be relied upon by the Registrar forming a view adverse to the participant, that further information must be supplied to the participant before the Registrar can make a decision.

If the decision maker finds a complaint to be substantiated, the decision maker will inform the participant of the outcome of the investigation and any remedial action which is proposed to be taken. The participant will then be offered the opportunity to comment upon the proposed sanction to be imposed.

In some instances, the participant may already have apologised for their conduct. The decision maker may consider that apology to be sufficient, together with an undertaking not to engage in similar conduct again.

The decision maker may impose a range of sanctions ranging from:

- a requirement to undertake further training;
- a warning;
- suspension from the Program for a period; or
- dismissal from the Program.

All participants have the right to appeal a dismissal from the Program.

Dismissal

The type of conduct of a participant for which the sanction of dismissal may be imposed include, but is not limited to:

- breaching the *Code of Conduct* or the *Principles of operation for volunteer Program*;
- failing to comply with the relevant handbook;
- bringing the office of JPs or Cdecs into disrepute;
- failing to comply with a reasonable direction from the Registrar or their delegate;
- no longer having the physical or mental capacity to discharge the duties of office;
- failing to notify JP Branch of a change in health or personal circumstances which could affect the ability or capacity to discharge the duties of office;
- engaging in misconduct or misbehaviour while discharging the duties of office;
- breaching confidentiality of clients or fellow participants;
- failing to satisfactorily discharge the duties of office;
- being under the influence of drugs or alcohol while discharging the duties of office;
- involving Program participants or third parties in a personal dispute that is not the concern of other participants; and
- invoking disqualification provisions as outlined in the *Justices of the Peace and Commissioners for Declarations Act 1991*.

In the event that the sanction of dismissal from the Program is proposed, the decision maker will supply the participant with written reasons as to why it is proposed that they are dismissed from the Program.

A participant will be given the opportunity to show cause in writing to JP Branch as to why they consider the proposed decision to remove them from the Program is unjust or unwarranted. A timeframe of 21 days after receipt of written notice will apply. If the participant requires further time to respond, they may outline to the decision maker the reasons why an extension of time is required. This request shall not be unreasonably refused.

Appealing dismissal

A participant who has been notified of their dismissal from the Program can appeal the decision.

The first option is a right of internal review of the decision, which will be undertaken by a DJAG officer who was not the decision maker and who had no involvement in the complaint investigation process.

The participant may wish to take legal advice related to any other avenues of redress available to them.

A participant may request an external review of the decision through the office of the Deputy Director-General, Justice Services who will appoint an independent officer to review.

Employee assistance program

Program volunteers and their immediate family members can access free, professional, confidential counselling, and crisis response services following potentially traumatic events related to your volunteer work through the employee assistance program (EAP). These services are provided by Benestar through DJAG.

You can access the EAP for a broad range of concerns such as issues related to your role as a JP or Cdec, stress and coping, relationship issues, or depression/anxiety. Counselling may be accessed face-to-face, by telephone, or over Skype. It is capped at four appointment sessions per contract year. If you require longer term support, you may be referred to another provider, at your own expense.

Where a potentially traumatic event occurs at work, Benestar staff will support managers to deliver the most appropriate response, contact JP Branch in this instance.

The EAP can be accessed by telephone/face-to-face/video counselling/online counselling.

The toll free number for appointments is 1300 360 364.

Visit the [Benestar website](#). When visiting the website for the first time, click the Register Here icon and enter the case sensitive logins below:

Company ID: DJAG Company Token: DJAG01

If you are unable to attend a scheduled appointment, be sure to provide at least 24 hours' notice of the cancellation. A range of additional online services are available through the Benestar website using the access code JAG when prompted.

DJAG Human Resources manages the contract with Benestar to ensure you receive the best possible service. Should you have any questions about Benestar's services, or wish to provide feedback, email eDocs: 3984522

whscoordinator@justice.qld.gov.au for assistance. If you would like to discuss the matter by telephone, provide your contact details and the best times to call you back.

Glossary

Term	Definition
corrective action	Action taken to align participant actions with best practice
Benestar	DJAG's employee assistance program provider
dismissal	Permanent removal from the Program
DJAG	Department of Justice and Attorney-General
JP Branch	Justices of the Peace Branch
mediation	Formal intervention between two or more parties to facilitate a mutually acceptable outcome
	A Justice of the Peace or Commissioner for Declarations who is registered to participate in the Program
program	JPs in the Community Program
Registrar	The Registrar of Justices of the Peace and Commissioners for Declarations
site	A location where the Program provides witnessing services
temporary suspension	Temporary removal from a Program site or from all Program sites without any finding being made in relation to the conduct of any participant

Relevant forms

http://www.justice.qld.gov.au/_data/assets/pdf_file/0018/207252/complaint-form.pdf

Related policies and procedures

<https://publications.qld.gov.au/dataset/justices-of-the-peace-branch-code-of-conduct>

<https://publications.qld.gov.au/dataset/principles-of-operation-for-participant-Program>

http://www.justice.qld.gov.au/_data/assets/pdf_file/0004/26266/client-complaints-management-policy.pdf

Related legislation

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1991-050>

Websites

<https://www.qld.gov.au/>

<https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/settling-disputes-out-of-court>