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Grievance Procedures for Bungaree Parish Employees

Introduction

This procedure is an extension of our organisational commitment to partnering and aligned to the Catholic Social Principle of subsidiarity.

Purpose

This grievance procedure provides the steps to achieve consistent treatment in the handling of employee grievances in the workplace.

Definitions

Employer: Bungaree Parish Schools

Employee: A person employed by the Bungaree Parish Schools

Complainant: The employee lodging the complaint or the grievance

Respondent: The employee or employees against whom the complaint or the grievance has been logged

Decision Maker: A Bungaree Parish Principal or/and CEOB employee with the delegated authority to make a ruling about the validity of an employee complaint at the local (team) level

Decision Maker : A Principal and/or CEOB employee with the delegated authority to make a ruling about the validity of an employee(s) grievance.

Complaint: A written expression of dissatisfaction from a Bungaree Parish employee about a matter directly related to the employment relationship or regarding inappropriate employee behaviour.

Grievance: An escalated complaint raised by an Employee against a process, action, omission or decision made by the Decision Maker.

Inappropriate employee behaviour: Behaviour or action of an employee towards another employee(s) which has or is likely to have, an unreasonable negative impact on the ability of another employee(s) to undertake their duties.

Procedural Fairness: Procedural fairness requires:

1. A decision maker to afford an employee an opportunity to be heard before making a decision affecting their interests.
2. The decision maker to be considered objectively impartial and not to have pre-judged an outcome.

Support Person: A person whose role is to support and advise the Employee, ensure procedural fairness is afforded and to assist the Employee to articulate their responses and participate as appropriate. Please refer to the role of the Support Person for further information.

Guiding Principles

All employees are to be afforded procedural fairness, according to the principles of natural justice and support during the complaint or grievance resolution process. This means:

- employee(s) have the opportunity to a fair hearing
- all employees have equal rights and an opportunity to be accompanied by a Support Person
- the respondent(s) will have the full knowledge of the nature and substance of the complaint or grievance
- all employees will have the opportunity to respond to any allegations as part of the resolution process
- the right to an independent, unbiased decision-maker; and a final decision based solely on the relevant evidence.

Employee behaviour during resolution process

Any employees involved in resolution processes are expected to maintain professionalism and conduct themselves in a way that does not disrupt school operations.

This means that all employees involved must:

- maintain confidentiality, meaning they do not engage in any conversations or attempt to solicit support while the matter is being resolved or afterwards
- remain objective and open to all outcomes
- cooperate with any reasonable attempts to resolve the matter
- seek a reasonable resolution for the complaint or grievance

Decision Maker Actions

In addition to the behavioural responsibilities of all employees, the Decision Maker as the delegated person responsible for coordinating the complaints resolution processes is expected to:

- Always act promptly to investigate and respond to a concern, complaint or grievance
- Listen carefully to the complainant

- Discuss the issues with the complainant in a calm and reasonable way
- Ensure that the complainant is provided with a copy of the relevant Grievance Procedures and discuss the steps that can and should be taken.
- Clearly explain to the complainant the actions that will be undertaken to follow-up on the complaint
- Keep a confidential record of all the relevant details
- It is a procedure of the Catholic Education Office Ballarat that anonymous complaints will not be acted upon.

Procedure

This procedure will be followed by employees of the Catholic Education Office Ballarat when making a complaint or a grievance.

1. Complaints Management Process

1.1 Attempt to resolve the complaint directly

If the employee feels comfortable in doing so, they should attempt to address the issue directly with the person(s) involved. The employee may find the other person was not aware of their complaint and the matter can be resolved directly and immediately.

1.2 Complaint Resolution Procedure

If the employee does not feel comfortable speaking to the person(s) involved, or they have tried to, and it was ineffective, the employee should report their complaint to their Team Leader.

The complainant must provide in writing to their Team Leader:

- a clear statement of the complaint, including the person(s) involved;
- any reasonable attempt made to resolve the situation; and
- a suggested solution which the complainant believes would settle the issue. An appropriate solution will focus on achieving a productive working environment or relationship, rather than apportioning blame.

1.3 Team Leader considerations

The Team Leader must consider if they:

- have the necessary authority and skills to resolve the complaint
- can be viewed as an unbiased Decision Maker

1.3.1 Team Leader cannot meet the requirements of 1.3

If the Team leader feels they cannot effectively manage the complaint, or believes they may be viewed as biased, they must escalate the complaint to the CEOB Human Resources Manager, who will act as the Decision Maker.

1.4 Making a complaint about a Team Leader

If an employee wishes to make a complaint about their Team Leader it will be escalated to the relevant Assistant Director or CEOB Human Resources Manager for investigation.

1.5 Complaint Investigation

Upon receipt of a written statement, an investigation will be commenced by the Team Leader with the support of Human Resources Manager (if required).

The Team Leader will implement reasonable measures to resolve the complaint at the local level by arranging an initial meeting with the complainant to:

- Clarify the matters raised in the written statement
- obtain any relevant information; and
- explain the complaints procedure

1.6 Support

The complainant, respondent and any witnesses will be offered the opportunity to be accompanied by a Support Person.

1.7 Natural Justice

Details of the complaint must be provided to the respondent and he/she will be invited to provide a formal response to any allegations.

If necessary, witnesses will be contacted and asked to provide any relevant information.

1.8 Deliberation

Following consideration of all the information, the appropriate Decision Maker in consultation with the Human Resources Manager (if required) will determine if the allegations have been substantiated.

1.9 Notification

The complainant and respondent(s) will be advised in writing of the outcome of the investigation, although the details of any action taken against an individual employee will not be disclosed.

1.10 Withdrawing a complaint

An employee who has made a complaint may withdraw it at any time. If the complaint is in writing, the withdrawal should also be acknowledged in writing.

1.11 Outcomes

Wherever possible the outcome of an investigation is designed to resolve any procedural discrepancies, or facilitate the cessation of any unreasonable behaviour. With this in mind, a number of possible outcomes after an investigation will be considered including:

- providing specific training in a particular area of identified weakness
- mediation using internal or external facilitation
- access to supported external counselling services
- commencement of disciplinary action, as a separate process and where appropriate

2. Escalation of Complaint to a Grievance Procedure

If there is a genuine belief that the decision regarding a complaint has not been resolved in a manner which upholds the principles of natural justice and procedural fairness either the

complainant(s) or the respondent(s) may lodge a grievance with the Catholic Education Office Ballarat, Assistant Director People and Development.

2.1 Lodging a grievance

The complainant must provide in writing to the CEOB Assistant Director People and Development:

- a clear statement of the grievance, including the person(s) involved
- what reasonable attempts were made to resolve the complaint at the local level and
- where the outcome or the resolution process demonstrates an absence of procedural fairness, natural justice, compliance with organisational policy
- a suggested solution which the complainant believes would settle the issue. An appropriate solution will focus on achieving a productive working environment or relationship, rather than apportioning blame

2.3 Arbitration of a grievance (Internal)

The CEOB Assistant Director of People and Development as the Decision Maker DOBCEL, will review all the relevant information pertaining to the grievance, the validity of the decision made by the Decision Maker (as part of the complaint resolution process) and its compliance with all legislative, regulatory and industrial requirements and provide a final decision on the outcome.

3. Arbitration of Grievance (External)

If the complainant following arbitration by the Decision Maker Principal and /or CEOB still remains in dispute the complainant, can seek arbitration through external authorities such as the Fair Work commission, the courts, ombudsman, legal representation and other government commissions such as Workplace Safety, Anti-Discrimination and Human Rights Commissions.

Vexatious Claims

Complaints and grievances will not be accepted where they:

- are made with insufficient detail to allow investigation or resolution of the matter; or
- do not constitute a grievance as defined by the Resolution of Grievances Procedure.

Where an employee makes frivolous, vexatious or malicious claims against a respondent, for example, where false or misleading information is provided, relevant information is withheld, facts are distorted or there is no demonstrated commitment to resolution; depending on the circumstances, disciplinary action may be taken against that individual.

The Role of the Support Person

Who can be a Support Person?

An employee may choose any reasonable available person for the role of a Support Person in discussions with the employer. This may include a family member, a co-worker (who has no involvement or potential involvement in the matter), or a union representative.

When using a Support Person it is a requirement that the employee advises the investigating officer they will have someone accompany them to the meeting, who that person will be (i.e. name) and the capacity they will be supporting (e.g. spouse, union delegate or legal representative).

A Support Person can:

- take notes of the meeting
- advise and assist the employee to clarify, consider and respond to questions
- provide emotional support

A Support Person cannot:

- speak on behalf of the caregiver or,
- advocate on their behalf
- use audio recording devices to record a meeting without the express permission of the employer

Confidentiality

A Support Person is bound by the same confidentiality requirements as anyone else involved in the meeting and cannot discuss the issues raised with anyone else.

Refusal of Support Person

The employer can refuse a particular Support Person (not the ability to have one) where that refusal would be considered reasonable in the circumstances. Such circumstances include:

1. Where the Support Person may have been involved in the matter relating to the grievance directly or indirectly
2. The Support Person's availability would unreasonably delay the process. This does not of course prevent the employee from choosing another person who is available.

Record Keeping

Any information gathered in the resolution process is strictly confidential. The Decision Maker is responsible for maintaining adequate records of resolution processes for the following reasons:

- So that complaints can be tracked through the stages of action to resolution
- So that patterns of complaints can lead to improvement in policies, operations and processes
- So that accurate information is available to those directly involved in investigating or reviewing decisions made.

What Should Be Recorded?

- Notes of meetings, interviews, telephone calls, any written correspondence e.g. letters, emails etc
- All records should be dated and signed