

# Guideline/Procedure



**Catholic  
Education**  
Diocese of Cairns

*Learning with Faith and Vision*

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## Grievance (Maintaining Right Relations)

### Purpose

This procedure, with additional reference to the Grievance Policy, is a guide for employees, students and parents, clergy and members of the wider community wishing to resolve a grievance within Cairns Catholic Education.

### Application

To be used to raise and resolve specific concerns and complaints. The *Student Protection Processes and Guidelines document* has specific policies and procedures to address complaints of child abuse and reportable conduct. Diocesan policies on workplace bullying, sexual harassment and discrimination also outline particular processes for those matters. Nothing in these guidelines should alter or limit the processes outlined in those documents.

### Guideline or Procedure

For those initiating or managing a grievance process, or the subject of a grievance, there is a series of three posters (LINK) outlining the sequence in the management of grievances.

Complaints/grievances will be managed at the most appropriate level and not escalated without valid justification. In practical terms this will mean referring complaints back to the appropriate school/CES level in circumstances where complainants have sought to elevate their complaint to a higher organizational level without valid cause.

Grievances involving allegations of an illegal or criminal nature, or which involve mandatory reporting for child protection matters will be referred for police investigation and/or mandatory reporting requirements.

Anonymous grievances will only be investigated to the extent they can.

### Options available to Persons with complaints

#### Informal process

It is strongly advised that, wherever appropriate, it is preferable to discuss the issue of concern with the relevant person to endeavour to reach an amicable resolution before resorting to a formal grievance process. Before entering into a formal process, both parties are encouraged to participate in a conflict resolution or mediation process facilitated by an independent third party. This will remain a confidential process and information gained in this process cannot be used in the formal process if it proceeds to that point.

The guideline Guiding Principles – Managing unacceptable workplace behaviour, and the Code of Conduct – Staff provide guidance on how informal processes should be conducted. A series of posters on the management of grievance processes is also available.

## Formal process

A grievance that cannot be resolved via informal means will be resolved via a formal process. All formal grievance processes will be logged with the Diocesan Professional Standards Unit on 40509705, email [professionalstandards@cns.catholic.edu.au](mailto:professionalstandards@cns.catholic.edu.au). This process involves:

1. **Documentation.** All grievances will be in written form, signed and dated. Where an oral or telephone complaint is received from an external source it will be referred to the Diocesan Professional Standards Unit where a staff member will make notes and then prepare a written statement. A staff member may also be assigned to assist if it is determined the complainant does not have the necessary skills to prepare a written statement. All grievances should contain the following information:
  - Contact details
  - Nature of the matter including the details of the particular allegations (what is the problem, who is involved, when it happened, where it happened, any contextual information, names of witnesses or confidants). This is best provided in numbered paragraphs
  - Resolution that is sought

Staff managing grievance processes are required to keep accurate dated records of all relevant information, meetings and correspondence. The staff member conducting the process will advise the person(s) initiating the grievance and the person(s) who is the subject of the grievance of the outcomes, via written communication outlining:

- A summary of the nature of the grievance
  - A summary of the process findings
  - Actions required
  - Report to be kept on a confidential file with a file note, if appropriate kept on the personal file of all participants
  - Rights of appeal and possible access to legal process
2. **Files/records.** A confidential file will be created when a grievance is initiated. Only those involved in the management of the grievance file will have access to this file. A confidential file must also be kept of reports of grievance that are found to be frivolous or vexatious.
  3. **Communication.** The staff member managing the grievance process is responsible for ensuring the complainant and the respondent are informed on a regular basis of progress and outcome of the process.
  4. **Confidentiality.** All parties to a grievance process have a right to confidentiality with information only available to those with a relevant need to access it.
  5. **Right of appeal.** If the complainant or respondent believes the complaint was not handled properly they may appeal in writing, within 30 days, with details of why the resolution of the complaint was unsatisfactory to them, to the Executive Director who will:
    - Review all relevant material/evidence
    - Make further enquiries if necessary
    - Assess whether the findings reflect the evidence
    - Make a determination and advise the party/ies making the appeal of the decision and the reasons
    - Determine what further action (if any) is necessary

The Executive Director may direct the Manager Professional Standards to undertake this review.

6. **Legal process.** At all times complainants have a right to seek remedy through the legal process.
7. **Employer reserves the right to continue a grievance process.** There will be times for whatever reason when a complainant will decide they do not want to make a complaint (in spite of being aggrieved) or they want to discontinue a complaint. If the circumstances are such that, in the reasonable opinion of the employer the issues raised are of significance to the school itself or the

reputation of the school, then the employer may proceed with the complaint, irrespective of the complainant's wishes. Similarly the employer may initiate a grievance process for similar reasons for grievances made through other channels such as through the Diocese or Parish Priest, media (including social media), or received through other indirect means.

### **Staff levels of responsibility for managing grievance processes**

These guidelines identify staff positions responsible for the management of grievance processes. Where the staff member may be directly involved in the grievance and/ or where there may be a conflict of interest, the responsibility for the management of the process will defer to the next higher organizational level.

If a grievance cannot be resolved informally there are three stepped levels for the management of the process:

#### **1. Local consideration: Principal (school-based) or line manager (CES-based)**

A person may feel unable to approach the relevant employee directly or not be satisfied that their concern has been adequately addressed. In such instances a person is advised to contact the Principal (for school-based staff) or the line manager (for CES staff). In consultation with the employee the Principal or line manager may either manage the conduct of the grievance or refer it to an agreed staff member to manage.

#### **2. System consideration: Catholic Education Services (CES Cairns)**

There may be occasions when a person needs to take their concern to a higher level. There must be a valid reason for this up-line referral – if not it will be referred back to the appropriate level.

The next level in this context is either the relevant Director School Effectiveness (DSE) (for school-based complaints) or the relevant Executive Leadership Team (ELT) member (for CES-based complaints). Grievances must be in writing with sufficient documentation (eg dates, context, words used). At their discretion the grievance might be directly referred to the Executive Director.

#### **3. Referral to Diocesan Professional Standards Unit (PSU)**

For matters that are still unable to be resolved the Executive Director, on the recommendation of the DSE or ELT member, may refer the complaint to the Diocesan Professional Standards Unit (PSU). The PSU may also be asked by the Executive Director to review the complaint resolution process undertaken at earlier levels. If warranted the PSU may engage the services of an external investigator, mediator or other professional person.

## **Enquiries**

Directors School Effectiveness  
Manager Human Resource Administration  
Manager Professional Standards

## **Reflection**

## **See also (Related Policies and Guidelines)**

Policy – Grievance

Guideline – Guideline Principles – Managing unacceptable workplace behaviour

Posters:

- Got a Complaint of Grievance?
- Has someone made a Complaint about you?
- Are you managing a Complaints or Grievance process?
- Resolving conflict in the workplace