



Procedure

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Grievance (Maintaining Right Relations)

Reflection

"When any of you has a grievance against another, do you dare to take it to court before the unrighteous, instead of taking it before the saints?" 1 Corinthians 6:1

Purpose

This procedure, is a guide for employees, students and parents, clergy and members of the wider community wishing to resolve a grievance or complaint within Catholic Education, Diocese of Cairns (CEDC).

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. CEDC 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.

Procedure

For those initiating or managing a grievance process, or the subject of a grievance or complaint, there is a series of four posters outlining the sequence in the management of grievances.

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 or Directorate (non-school based) in circumstances where complainants have sought to elevate their complaint to a higher organisational level without valid cause.

Grievances and complaints involving allegations of an illegal or criminal nature, or which involve mandatory reporting for child protection matters (physical, emotional or sexual harm or other student protection issues) will be referred for police investigation and/or mandatory reporting requirements, consistent with obligations under the *Education (Accreditation of Non State Schools) Regulation 2017, Regulation 16(5) and (6)*. These obligations are outlined in the Policy: *Safeguarding Children and Young People* and the *Student Protection Processes and Guidelines*.

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

Informal process

It is strongly advised that, wherever appropriate, to discuss the issue of concern with the relevant person to endeavour to reach an amicable resolution before resorting to a formal 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.

Further advice can be sourced from Employee and Safety Services (ESS) or the Professional Standards and Safeguarding Office (PSSO) on the process of conflict resolution, or if formal mediation may be required.

Formal process

A grievance or complaint that cannot be resolved via informal means will be resolved via a formal process. All formal processes will be logged with the PSSO on 40509705, email professionalstandards@cns.catholic.edu.au. This process involves:

1. **Documentation.** All grievances and complaints 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 PSSO where the matter will be appropriately recorded within PSSO systems. All grievances and complaints 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 the 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
 - That the matter will be recorded within the PSSO.
 - Rights of appeal and possible access to legal process.
2. **Files/records.** An electronic record of the complaint will be created within PSSO. Any records or evidence obtained during the investigation process can be provided to the PSSO and appropriately stored within those systems.
 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 parties making the appeal of the decision and the reasons
 - Determine what further action (if any) is necessary

The Executive Director may refer the matter to the PSSO to undertake a process review.

6. **Legal process.** At all times complainants have a right to seek recourse 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 or there are indications of employee misconduct 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 organisational 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 (non-school 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 (non-school 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: Escalation

There may be occasions when a person may wish to escalate their grievance to a higher level. There must be a valid reason for any escalation. The reasoning will be considered by an appropriate senior executive to determine if there is a conflict of interest or other valid reason for such an escalation.

The next level in this context is either the relevant Director School Effectiveness (DSE) (for school-based grievances) or the next line-manager within the Directorate (non-school based) Escalation requests must be in writing with sufficient documentation (e.g. dates, context, words used). At their discretion the escalation might be directly referred to the Executive Director to allow referral to the PSSO

3. Referral to Professional Standards and Safeguarding Office

For matters that are still unable to be resolved the Executive Director, on the recommendation of the DSE or appropriate line manager, may refer the complaint to the PSSO The Executive Director may also refer the matter to the PSSO to allow for a process review of the complaint resolution process undertaken at earlier levels.

Enquiries

Executive Manager Professional Standards and Safeguarding Office (PSSO) Diocese of Cairns.

Director of School Effectiveness

Principal

Line Manager

Related Directives, Policies and Procedures

Grievance (Maintain Right Relations) Policy

Workplace Bullying Policy

Discrimination and Sexual Harassment Policy

Grievance Posters

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