



## Grievance Policy

Authorisation	DSCC Management Committee
Review Date	1/5/2022
Approved Date	26/04/2022
Relevant Documents	Code of Conduct Policy, Workplace Behaviours Policy, Disciplinary Policy

### Purpose

Dawson Street Children's Co-operative (DSCC) intends that all employees receive fair and equitable consideration of problems, complaints or misunderstandings that may arise from time to time.

All grievances raised should be addressed immediately between the individual concerned and their Director or Assistant Director before implementing the grievance process.

Any employee or other person who uses the Complaint Procedure is assured of the strictest confidence.

### Scope

This policy applies to all employees, Management Committee members, parents, students, contractors and volunteers of DSCC at all times without exception.

### Policy

A grievance is an informal or formal complaint raised to the Director or Management Committee by an employee, Management Committee member, parent, student, contractor or volunteer due to violation of policies.

It may include but not is limited to: harassment, bullying or discrimination. Grievances raised will be actioned discreetly and promptly and dealt with in an objective manner.

Keeping in mind inappropriate behaviours may be difficult to define and prove, it is important for the employee or other person to **keep a written record of** events recording the:

- incident, in as much detail as possible (including: date, time, location, witnesses, body language, exactly what was said)
- names of people able to speak to the issues at hand.

At DSCC, we have an Informal and Formal Complaints Resolution Procedure that we believe is a fair and positive method for dealing with complaints or disputes that may arise.

DSCC is committed to encouraging an open and frank atmosphere in which any problem, complaint, suggestion or question receives a prompt and timely response from the Management Committee and/or the Director.

Where there is the possibility of a conflict of interest; for example, if the Director or other Management Committee members are personally involved in issues as a complainant, or in allegations of unlawful or inappropriate behaviour, they will stand aside from participation in the subcommittee, or procedures relating to the investigation or management of the complaint.

Where an attempt to resolve a matter directly with the person has not been successful, or is not appropriate in the circumstances, an **informal/formal complaints resolution procedure** will be undertaken.

The Management Committee may engage external Human Resource consulting support as required from time to time to assist in the resolution of formal complaints.

## **Responsibilities**

### *Complainant Responsibilities*

If you do make a complaint, you are responsible for ensuring that you:

- Make the complaint honestly and in good faith
- Provide all the facts relevant to the complaint
- Cooperate with the investigation and resolution processes

### *Respondent Responsibilities*

If a complaint has been made about you, you are responsible for ensuring that you:

- Cooperate with the investigation and resolution process and maintain confidentiality
- Provide a written or verbal response to the complaint which has been made
- Provide all relevant facts to the person conducting the investigation

### *Management Responsibilities*

If an individual brings a complaint to your attention

#### **You must not:**

- Ignore the complaint
- Tell the individual making the complaint to sort it out themselves
- Make a judgement about whether the complaint is true or not
- Say that the individual should put up with the issue
- Talk to anyone about the issue except those involved in the investigation and resolution of the complaint

#### **You must:**

- Behave consistently with the all-relevant policies
- Resolve the complaint as quickly as possible
- Be sympathetic, sensitive and serious; the complaint is obviously serious to the person making it
- Enquire into the matter in a reasonable timeframe, and attempt to resolve it as soon as possible

All parties to a grievance have the right to:

- have the grievance procedure to be conducted in a fair, objective and unbiased manner;
- be treated with respect;
- be kept informed about the progress of the grievance;
- only have relevant factors taken into account in resolving a grievance;
- not be subjected to any form of retribution, either stated or implied;
- defend themselves through the right of reply;
- have a support person present at all stages of the process;
- be kept informed, orally and in writing, of the outcome of the grievance and the reasons for it; and
- a recommendation which is fair and commensurate with the findings.

### **Support**

DSCC acknowledges the support that employees may require when working through a grievance in the workplace.

As such, DSCC may offer employees an Employee Assistance Program (EAP) which is a professional counselling service that offers confidential, short-term support for a variety of work related and personal problems that may be affecting an employee at work. EAP gives employees access to qualified professionals. Should an employee require this type of service, please notify the Director to obtain further information.

### **INFORMAL COMPLAINTS**

The DSCC informal complaint procedure emphasises resolution rather than factual proof or substantiation of a complaint.

It is most appropriate in circumstances where (but not limited to):

- The individual subjected to the behaviour wishes to pursue an informal resolution.
- The parties are likely to have ongoing contact with one another and the complainant wishes to pursue an informal resolution so that the working relationship can be sustained.
- Allegations are less serious, or the problem is based on miscommunication or a misunderstanding.

### **FORMAL COMPLAINTS**

The DSCC formal complaint procedure is for substantiating a complaint with evidence, or formally bringing the parties together to reach an agreement.

It is most appropriate in circumstances where (but not limited to):

- The individual raising the complaint wants to do it formally.
- Informal attempts have failed and inappropriate behaviour is still continuing.
- The allegations are serious (this may include but not limited to alleged bullying, discrimination, harassment or sexual harassment).

## **Procedural Fairness**

In cases of alleged inappropriate behaviour, the principles of procedural fairness are followed:

These principles require DSCC to:

- Fully inform a person of any allegation/s made against them in writing
- Allow the person an opportunity to bring with them a support person or representative
- Give the person an opportunity to state their case, provide an explanation or put forward a defence.
- Ensure that all parties are heard and relevant submissions considered.
- Ensure that decision makers act fairly and without bias.

## **Informal Complaints Resolution Procedure**

The Director and/or the Management Committee can undertake one or more of the following options in order to resolve a grievance informally:

- They may speak with the respondent on their behalf. In this instance they would convey the complainant's concerns and reiterate DSCC's policies to the respondent without assessing the merits of the case.
- They can hold a structured discussion between the two parties involved with the aim of reaching an agreement.
- They can organise relevant employee training or circulate copies of workplace policies and hold a discussion with employees.
- They can have an informal private discussion with the respondent to find out what they think is happening and to counsel them about the possible effects of their behaviour on others.

## **Formal Complaints Resolution Procedure**

The following steps should be taken when a formal complaint is made. This follows:

- 1. Lodgement of Complaint** – The complainant should report the complaint in writing to the Director or Management Committee (MC), marked with the attention of the Chairperson or MC representative. The complainant should report on the nature and details of the incident as well as any suggestions or ideal outcomes to resolve the complaint. Should the complaint go directly to the MC, upon receipt of the complaint, the Chairperson will advise the Management Committee members of the complaint at the next Management Committee meeting or via email.
- 2. Interview the Complainant** – Following the Management Committee meeting or email, the Chairperson will appoint two Management Committee members (Complaints Sub-committee) or the Director or an external Human Resources consultant to establish all the relevant information relating to the issue/s being complained about. This may include interviewing the complainant. Where possible, the complainant must indicate date, time of incident, witnesses present, what occurred and what was said etc.

The interview should be completed within seven working days of the lodgement of the formal complaint, unless the complainant agrees to an extension of this time frame.

- 3. Gather relevant information** - This step involves the Complaints Sub-committee or the Director or an external Human Resources consultant interviewing witnesses to the issues complained about and obtaining any relevant documentation, in order to establish independent verification of the relevant and critical aspects of the complaint.

All work shall be conducted in a normal manner unless the complainant has a reasonable concern about an imminent risk to their health or safety and advises the Complaints Sub-committee and/or the Director that they do not wish to work with the respondent whilst the investigation takes place.

- 4. Interview the person complained about (Respondent)** – The Complaints Sub-committee or the Director or an external Human Resources consultant will raise the formal allegations with the respondent and obtain a response to the issues raised directly from the person who has been complained about.

The respondent must be advised of the following:

- The right to have a support person present at all stages of the process.
- Not to contact the complainant in relation to the complaint.
- No action will be taken until the respondent has had an opportunity to be heard.

If, after discussions with the respondent, it appears that a simple modification of behaviour on the part of the respondent will resolve the complaint to the satisfaction of the complainant, the Complaints Sub-committee, the Director or an external Human Resources consultant should agree with the complainant that no further action should be taken. If after a period of three months there are no further complaints, the matter will be closed.

The Complaints Sub-committee or the Director or an external Human Resources consultant will report back their findings to the Management Committee.

- 5. Reinterviewing the parties and possibly further information** - This step is aimed at clarifying any conflicts in the information provided and allowing the parties to respond to anything new raised in the process. The investigation phase should be completed within 10 working days.
- 6. Making a determination based on the relevant information** - This step involves holding a Management Committee meeting after the investigation has been completed and, based on the report received from the Complaints Sub-committee or the Director or an external Human Resources consultant, the Management Committee will decide on the action to be taken and refer this to the Complaints

Sub-committee or the Director for implementation. This decision may be that the complaint is substantiated or the complaint is unsubstantiated or there is insufficient evidence available to make a clear determination. Please note, if a Management Committee meeting cannot be scheduled, the determination will be made via email.

- 7. Reporting back to the Complainant and the Respondent** - This step involves the Complaints Sub-committee or the Director or Human Resources advising the complainant and the respondent of the determination. All parties must be reminded of the need to maintain confidentiality and the possibility that a failure to do so could give rise to a complaint of victimisation.
  
- 8. Implement any outcomes or actions** - This step involves the Management Committee and/or Director implementing the outcomes as a result of the determination that can take the form of but not limited to:
  - An apology (verbal or written)
  - An undertaking the behaviour will cease
  - Formal warning (Disciplinary action)
  - Formal counselling
  - Transfer or demotion
  - Termination of employment
  - Awareness-raising sessions and training
  - Communication of policies and procedures to both parties where there is insufficient evidence.
  
- 9. Monitor the situation** - Notwithstanding the above, at any time during the complaint resolution process, either the Management Committee or the individual can refer the complaint to an external agency i.e. The Fair Work Commission for resolution by mediation and/or conciliation.

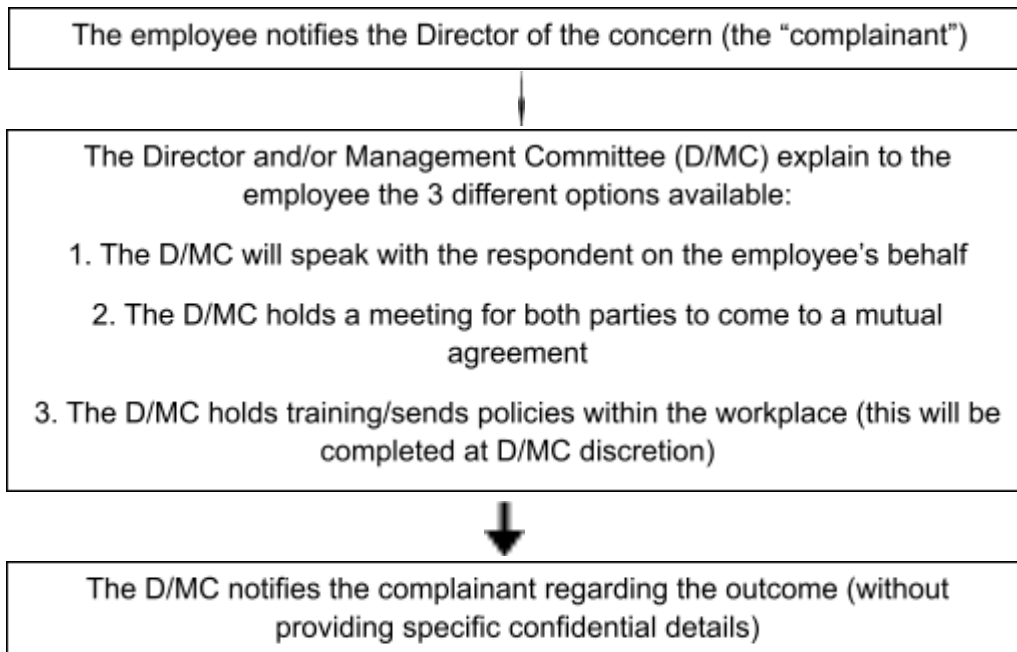
### **Policy Review**

This policy will be regularly reviewed by Dawson Street Children's Co-operative and any necessary changes will be implemented by the Management Committee.



# Grievance Policy Flowchart

## INFORMAL COMPLAINTS



## FORMAL COMPLAINTS

