

Grievance, Conflict and Complaint Resolution Procedure

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Coverage	Staff, Contractors and Other People at the School	
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1 GUIDELINES

1.1 What is a Grievance, Conflict and/or Complaint Resolution Procedure?

This Procedure:

- (a) consists of an appropriate process to raise, respond to and resolve Grievances, Conflicts and/or Complaints;
- (b) will take into account applicable and relevant circumstances to treat Grievances, Conflicts and/or Complaints on their individual merits;
- (c) does not limit the School's right to take reasonable action in a reasonable manner. Particular processes and outcomes will be utilised as considered reasonably necessary by the School in the individual circumstances. The exact nature of procedural fairness will be applied according to the individual circumstances of each case including confidentiality and privacy considerations and obligations (and noting that this is a non-disciplinary procedure).

1.2 When may the School utilise the Grievance, Conflict and Complaint Resolution Procedure?

The School may utilise the Grievance, Conflict and Complaint Resolution Procedure:

- (a) where a Grievance, Conflict or Complaint has been raised by a Staff member, Contractor or Other Person at the Workplace; or
- (b) when a Relevant Manager becomes aware of a Grievance, Conflict or Complaint or reasonably considers a Grievance, Conflict or Complaint exists where it is appropriate to utilise the Grievance, Conflict and Complaint Resolution Procedure.

1.3 What is the process?

The Grievance, Conflict and Complaint Resolution Procedure provides for guidelines containing a number of different processes that may be utilised to make or respond to or resolve Grievances, Conflicts and/or Complaints.

1.4 Is there a requirement to use a particular process?

The School may use any particular Grievance, Conflict and Complaint Resolution process that a Relevant Manager considers reasonable in the circumstances. This may involve utilising a process that is requested by the Staff member, Contractor or Other Person at the Workplace raising a Grievance, Conflict or Complaint (if applicable) or using a different process without their agreement.

1.5 Who conducts a Grievance, Conflict and Complaint Resolution process?

- (a) A Grievance, Conflict and Complaint Resolution process is conducted by a Relevant Manager at the lowest practicable level.
- (b) Despite this, the School may decide, taking into consideration the relevant circumstances, to utilise instead or in addition to a Relevant Manager at the lowest possible level:
 - (i) a more senior Relevant Manager; and/or
 - (ii) an appropriate member of the School's HR staff; or
 - (iii) an external person with expertise appropriate to the particular circumstances.
- (c) In any event, a Relevant Manager engaged in a Grievance, Conflict and Complaint Resolution process should consider early consultation with an appropriate member of the School's HR staff if they need guidance regarding appropriate process and/or the Grievance, Conflict and Complaint is of a higher complexity or difficulty than usual.

1.6 What is the Grievance, Conflict and Complaint Resolution outcome?

The Relevant Manager will determine appropriate and reasonable potential outcomes when implementing a Grievance, Conflict and Complaint Resolution Procedure.

1.7 Is there a requirement to implement a particular Grievance, Conflict and Complaint Resolution outcome?

The School may implement any particular outcome that a Relevant Manager considers reasonable in the circumstances.

1.8 Who conducts a Grievance, Conflict or Complaint resolution outcome?

An outcome is determined by an authorised Relevant Manager following a particular process. This may, depending on the circumstances, range from the Staff member's immediate manager through to the Principal

1.9 What is the role of a Support Person?

- (a) The role of the support person is to assist the person by providing emotional support, aiding the person's understanding or by taking notes, asking appropriate questions, or requesting breaks.
- (b) The role of the support person does not involve answering on behalf of a person.
- (c) A Staff member, Contractor or Other Person at the Workplace will be advised of the opportunity to have a support person during this process (although it should be noted that as this process is not disciplinary in nature a support person is not mandatory and may not always be necessary or effective).
- (d) An appropriate support person is a person who is not a party to a process or involved as a potential witness or otherwise has a conflict of interest. Where the support person is a union official or other professional advocate they may speak or write on behalf of the person but only as to:
 - (a) matters of interpretation (e.g. Applicable Laws, Policies and Procedures, etc);
 - (b) clarify, summarise and explain their member or client's position; and/or
 - (c) proposed resolution of the Grievance, Conflict and/or Complaint.

1.10 Natural justice considerations

- (a) **Treat fairly and seriously** - assess all matters on their merits and facts. Any

Grievance, Conflict and/or Complaint resolution process should be thorough enough and obtain relevant and credible evidence as is reasonably necessary to ensure substantive fairness by:

- (a) providing particulars of Grievance, Conflict and/or Complaints and available evidence (including a copy of any Complaints, if available, and not otherwise inappropriate to provide on legitimate privacy, confidentiality, or work health and safety grounds) so participants understand the context of the process in which they are being required to participate;
 - (b) providing Staff, Contractors and/or Other People at the Workplace with a reasonable opportunity to respond to Grievance, Conflict and/or Complaint, findings, proposed resolution, subsequent or additional information (whether in writing and/or in person as appropriate) or other process;
 - (c) making factual findings that are reasonably open to be made (e.g. specific behaviours and their context and surrounding circumstances);
 - (d) making conclusions or characterisations (e.g. breaches of policies which are serious) that can be objectively drawn from those factual findings;
 - (e) notifying Staff, Contractors and/or Other Persons at the School of the findings relevant to them and any proposed resolution action (if any);
 - (f) taking into account the nature and extent of the Grievance, Conflict and/or Complaint, a Staff member, Contractor and/or Other People at the School's personal circumstances and employment record including prior disciplinary action, any mitigating circumstances, the School requirements and any other relevant matters to ensure that any Grievance, Conflict and/or Complaint resolution is appropriate in the circumstances; and
 - (g) notifying Staff, Contractors and/or Other People at the School of the Grievance, Conflict and/or Complaint resolution (if any) which will be imposed and when.
- (b) **Act promptly** – Grievance, Conflict and/or Complaint resolution matters should be dealt with courteously, respectfully and within appropriate timelines on a case by case basis. All relevant parties should be provided reasonable estimates of timeframes and be kept reasonably informed of the progress. Extensions of time may be appropriate in complex matters where justified. If additional time beyond the initial estimate is reasonably required to address the Grievance, Conflict and/or Complaints, all relevant parties should be advised of the additional time required and, in a manner appropriate, the reasons for the delay.

- (c) **Support all parties** – Staff involved in the process should be told what support is available including EAP (if available).
- (d) **Be neutral** - impartiality towards everyone involved (i.e. persons seeking to impose a resolution to a Grievance, Conflict and/or Complaint, witnesses, affected parties, and responding persons). Participants should also avoid any personal or professional bias (perceived, potential or actual).
- (e) If a preliminary enquiry or School investigation is undertaken, the investigator may be internal or external to School provided that person is:
 - (a) objective and neutral and impartial (i.e. avoid actual or perceived bias);
 - (b) competent having regard to the particular circumstances;
 - (c) available to conduct a preliminary enquiry or School investigation and report in a timely manner; and
 - (d) not a potential witness or who has had prior dealings with parties that creates an actual or perceived bias.
- (f) **Communicate process and outcomes** - all parties should be reasonably informed of the process, and what they can expect will happen during a Grievance, Conflict and/or Complaint resolution process and potential outcomes. The School will provide all parties with reasons for any actions taken or not taken (which may be appropriately summarised or redacted). Details of Grievance, Conflict and/or Complaint resolution matters should only be disclosed in a manner to those parties that genuinely and legitimately need to know, provided that such disclosure does not create an unreasonable risk to their health and safety or otherwise unreasonably cause escalate risks of further or similar occurrence.
- (g) **Maintain confidentiality** - the process should ensure appropriate confidentiality for all parties involved and consider individual requests for confidentiality subject to School's duty to provide a safe workplace.
- (h) **Keep records as appropriate** - some form of record (with as little or as much formality as is required for the circumstances) should be made of the Grievance, Conflict and/or Complaint resolution process and matters dealt with under this Procedure including details of Grievance, Conflict and/or Complaint, responses or submissions from those involved, the process adopted and any outcomes.
- (i) **Seeking advice and support** - Participants are entitled to obtain advice, including legal advice of their choice and have a support person present during any meetings

they are required to attend at their own cost.

- (j) **Appropriate interim arrangements** – It is necessary to preserve the integrity of the Grievance, Conflict and/or Complaint resolution process being undertaken and having regard to the seriousness of allegations or to reasonably ensure the health and safety of any persons at the School. While in the process of resolving any Grievance, Conflict and/or Complaint, the parties must reasonably ensure that there is no unreasonable interruption to work and/or no other increase to the risks to health and safety. The School may impose appropriate interim arrangements which may include any combination of the following:

- (i) stand down with pay [unless otherwise specifically provided for in an Industrial Instrument] Staff responding to a Grievance, Conflict and/or Complaint (and other Staff where considered appropriate);
- (ii) providing alternative duties to Staff;
- (iii) directing temporary changes to work arrangements (including reporting lines and location);
- (iv) preventing or restricting communication between Staff, Contractors and Other Persons at the Workplace;
- (v) imposing for legitimate work health and safety reasons only, confidentiality obligations on Staff, Contractors and Other People at the Workplace (which does not preclude the taking of bona fide advice from a union official or other professional advocate);
- (vi) preserving evidence - if necessary secure part of the School, obtain photographs or take any other steps to preserve physical or cyber evidence that may otherwise be lost; and
- (vii) reporting to relevant authorities – including but not limited to Police, mandatory reporting in line with the *Children, Young Persons and Their Families Act 1997*, Work Safe Tasmania etc.

Any action taken in subparagraph (j) is an interim measure only and is not a disciplinary outcome and is without loss of pay or other entitlements [unless otherwise specifically provided for in an industrial instrument])

2 PROCESSES

2.1 General

Staff, Contractors and Other People at the School may seek to utilise any of the Grievance, Conflict and/or Complaint resolution processes. However, Relevant Managers will decide and implement any of the following processes appropriate to the circumstances in any combination.

2.2 Self-Management

- (a) Staff, Contractors or Other People at the Workplace should first raise Grievance, Conflict and/or Complaints directly with the person the Grievance, Conflict and/or Complaints relate to where appropriate to do so being mindful of safety and the possibility of reprisals.
- (b) A person may not be confident or comfortable to raise or discuss Grievance, Conflict and/or Complaints directly with the person involved. In such cases they are encouraged to discuss with a Relevant Manager or other support person first and not progress with any self-management process.
- (c) Making a person aware of Grievance, Conflict and/or Complaints may give all persons involved a chance to consider and, where appropriate, change their behaviour and reduces the possibility of Grievance, Conflict and/or Complaints progressing past this stage.
- (d) Self-management may be effective where the Grievance, Conflict and/or Complaint is likely to be non-contentious and where all persons involved may be unaware of the effect of their behaviours or particular circumstances. In these circumstances this process can focus immediately on desired outcomes.
- (e) Self-management will not be suitable for circumstances including:
 - (i) serious or contentious Complaints; or
 - (ii) where it is appropriate for the Complaint to be dealt with under the Disciplinary Procedure or other policy or procedure; or
 - (iii) serious health and safety risks at the School.
- (f) Staff utilising self-management should consider notifying their Relevant Manager so they can monitor the situation as far as is reasonably practicable to ensure there

are no ongoing risks to health and safety.

2.3 Indirect Approach

- (a) Staff, Contractors or Other People at the School may, with or without a support person, raise Grievances, Conflicts and/or Complaints with:
 - (i) their Relevant Manager (if applicable);
 - (ii) the Relevant Manager of the person the Grievance, Conflict and/or Complaints relate to;
 - (iii) HR; or
 - (iv) a union official or other industrial representative.
- (b) A person may not be confident or comfortable to raise or discuss Grievance, Conflict and/or Complaint directly with the person involved. They may prefer to raise Grievance, Conflict and/or Complaints with another person in the School first.
- (c) This process is useful for enabling Staff, Contractors or Other People at the School to:
 - (i) receive useful advice to give them tools to better understand a situation, adjust to or deal with the Grievance, Conflict and/or Complaint with the person direct;
 - (ii) just 'tell someone' who can understand, provide context and monitor the situation; or
 - (iii) have an appropriate person approach the person who is the subject of the Grievance, Conflict and/or Complaints to resolve the Grievance, Conflict and/or Complaints or take other action whilst keeping their identity confidential and without their being any adverse findings or disciplinary processes.
- (d) An Indirect Approach may also be effective in similar circumstances where self-management be effective.
- (e) This process will not be suitable for circumstances including where self-management is not appropriate or where it is necessary for the person who is the subject of the Grievance, Conflict and/or Complaints to be aware of the identity of the person raising the Grievance, Conflict and/or Complaints and detailed

particulars before it can be resolved.

2.4 Written Approach

- (a) A Grievance and/or Conflict Resolution Form or Complaint Resolution Form may be lodged with the School by:
 - (i) a Staff member, Contractor or Other Person at the School at any stage; or
 - (ii) a Relevant Manager - if either the Self-Management or Indirect Approach does reasonably not resolve the Grievance, Conflict and/or Complaints or and/or there are reasonable concerns that such approaches are otherwise causing an unreasonable risk to the health and safety of a person.
- (b) A Relevant Manager may deal with Grievance, Conflict and/or Complaint even if a Staff member or Other Person at the Workplace fails or refuses to lodge the Grievance and/or Conflict Resolution Form or Complaint Resolution Form if considered appropriate in circumstances including:
 - (i) the School considers this appropriate to discharge its duty to provide a safe School or to appropriately manage its Staff and/or Other People at the School;
 - (ii) making appropriate decisions in relation to Grievance, Conflict and/or Complaints or potential Grievance, Conflict and/or Complaints; and
 - (iii) minimising further Grievance, Conflict and/or Complaints.
- (c) If a Grievance and/or Conflict Resolution Form or Complaint Resolution Form has been lodged or the School otherwise considers it appropriate, the School may adopt a process including any or all of the following:
 - (i) conducting initial interviews or requiring initial written responses;
 - (ii) preserving evidence if it is appropriate to secure the scene, obtain photographs or take any other steps to preserve physical or cyber evidence that may otherwise be lost;
 - (iii) implementing appropriate interim arrangements; and
 - (iv) conducting a preliminary enquiry or Workplace investigation.

2.5 Determination Process

- (a) The School may conduct a preliminary enquiry which may consist of obtaining detailed statements and interviews of persons directly relevant to the Grievance, Conflict and/or Complaints and a report without making findings where there is disputed evidence. The School may do so in circumstances including where it is unable to immediately form a reasonable suspicion to deal with the Grievance, Conflict and/or Complaint under the Disciplinary Procedure or it requires further factual circumstances or the Grievance, Conflict and/or Complaints are not particularly serious or may be better resolved with a preliminary enquiry.
- (b) The School may conduct a general Workplace investigation under a scope it considers appropriate to potentially resolve the Grievance, Conflict and/or Complaints. This does not involve making allegations of Infringing Workplace Behaviour in which case the Grievance, Conflict and/or Complaints will be dealt with under the Disciplinary Procedure. The School may do so in circumstances including where:
 - (i) there may be significant outcomes for the School such as work health and safety, reputation or costs considerations;
 - (ii) it may be more effective to ascertain a particular workplace culture or custom or practice; and/or
 - (iii) there are key disputed facts or other factual matters in dispute that are material.
- (c) The School may choose not to conduct a preliminary enquiry or workplace investigation if it is reasonably satisfied that the Grievance, Conflict and/or Complaints and findings of fact can be determined and conclusions can be objectively drawn. Examples of this include where there is no dispute as to the material facts or they can be easily determined for the purpose of resolving the Grievance, Conflict and/or Complaints.

2.6 Vexatious etc Behaviours

Consistent with the general Guidelines in section 1, any person who makes a Grievance, Conflict and/or Complaint which is:

- (a) not made in good faith;
- (b) false;

- (c) vexatious;
- (d) frivolous; and/or
- (e) without any reasonable basis,

may be subject to any or all of the resolution options in section 3 (Resolutions).

3 RESOLUTIONS

As part of any of the processes under this Procedure, the School may implement any combination of the following resolutions as it considers appropriate in the circumstances:

- (a) commitment to cease the behaviour;
- (b) commitment for an individual to personally perform a specific remedial action (e.g. undertaking, apology, action plan, etc.);
- (c) communication to individuals, groups or School-wide;
- (d) training (e.g. communication skills, diversity awareness, interpersonal skills, etc.) to individuals, groups or School-wide;
- (e) remedial actions for any Staff adversely affected (e.g. re crediting leave or specialist training, counselling, etc.);
- (f) coaching, counselling support and/or mentoring;
- (g) review a policy, procedure or other document that is the subject of a Grievance, Conflict and/or Complaint;
- (h) mediation or any other facilitated restorative process;
- (i) structured program to reintegrate a Staff member into the School;
- (j) amend work arrangements including removing or restricting communication or interaction between Staff;
- (k) implement action in accordance with any other policy including Performance Management Policy;
- (l) commence a disciplinary process under the Disciplinary Policy; and/or
- (m) other lawful and reasonable directions considered appropriate for the

circumstances.

4 UNREASONABLE RESPONSES TO GRIEVANCE, CONFLICT AND/OR COMPLAINT RESOLUTION

- (a) Consistent with the general Guidelines in section1, any person who unreasonably responds to a proposed or implemented Grievance, Conflict and/or Complaint resolution may be subject to any or all of the resolution options in 3 (Resolutions).
- (b) Without limiting the generality of the above some typical examples may include:
 - (a) refusing to accept genuine and meaningful apologies;
 - (b) refusing to participate in any appropriate remedial action or restorative process where there are no genuine safety or wellbeing concerns;
 - (c) ostracising or otherwise victimising the perpetrator (or aiding, abetting or encouraging others to do so);
 - (d) demanding termination of employment or other unreasonable disciplinary action; and/or
 - (e) any other behaviour considered unreasonable for the circumstances.

5 LODGING A GRIEVANCE AND CONFLICT RESOLUTION FORM OR COMPLAINT RESOLUTION FORM

5.1 Step 1 – Lodging a Grievance, Conflict and/or Complaint

Complete either the Grievance and Conflict Resolution Form or Complaint Resolution Form attached to this Procedure.

5.2 Step 2 - Initial Response

A Relevant Manager or person appointed by the School will meet separately with all parties as soon as practicable and explain the process and their rights and responsibilities.

The School may determine to attempt to resolve the Grievance, Conflict and/or Complaints by utilising other processes under the Procedure or under another policy or procedure in which case persons will be notified as appropriate.

5.3 Step 3 - Appropriate interim arrangements

The School will implement appropriate interim arrangements whilst conducting the process.

5.4 Step 4 - The Determination Process

The School may conduct an appropriate process in a reasonable manner to determine the Grievance, Conflict and/or Complaints. Depending on the circumstances, this may involve a preliminary enquiry or workplace investigation.

5.5 Step 5 - Findings and Report

The Relevant Manager or person appointed by the School (e.g. investigator) will provide a report consistent with the required scope including findings and other matters appropriate to resolve the Grievance, Conflict and/or Complaints. The findings should be communicated to the parties in writing as considered appropriate for the circumstances.

5.6 Step 6 – Outcome

The School will implement an outcome after it has provided the parties with a reasonable opportunity to respond to the findings and any proposed outcome.

5.7 Step 7 – Post Outcome

The School will implement:

- (a) appropriate reporting to other persons;
- (b) processes to monitor the outcome; and
- (c) other appropriate actions.

6 INTERPRETATION AND APPLICATION

This Procedure must be read in conjunction with the *Application of Workplace Behaviours Policies and Procedures* which provides the meaning of defined (capitalised) terms and sets out how this Procedure is to be applied.

SCHEDULE 1

GRIEVANCE AND CONFLICT RESOLUTION FORM

Staff, Contractor or Other Person at the Workplace's Details (the person seeking the Grievance or Conflict to be resolved)

[You may seek assistance in filling out this form.]

Name: [#Insert Full Name#]

Position Title (if applicable): [#Insert Position Title#]

Area (if applicable): [#Insert Area/Department#]

TYPE OF GRIEVANCE or CONFLICT (please tick)

- ☐ A breach of a particular Policy either because it is unlawful or otherwise considered to be inappropriate for this particular workforce
- ☐ Ineffective behaviour/conduct
- ☐ Conflict with another Staff member
- ☐ Conflict with a team
- ☐ Conflict with another organisation
- ☐ Conflict with other Persons at the Workplace
- ☐ Fitness for work
- ☐ Communication
- ☐ Other matter not categorised above. Please list:

OTHER PARTY DETAILS (the person(s) also may also be involved in the Grievance or Conflict)

Name(s): [#Insert Full Name#]

Position Title (if applicable): [#Insert Position Title#]

Area (if applicable): [#Insert Area/Department#]

(attach extra pages if necessary)

SUMMARISED DETAILS OF GRIEVANCE or CONFLICT [use attachment if necessary]

Why do you think this is occurring?

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.....

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.....

How do you think that this can be most effectively resolved and what will be your contribution to that?

.....

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.....

.....

Signature: _____ Date: ____ / ____ / _____

COMPLAINT RESOLUTION FORM

Staff, Contractor or Other Person at the Workplace's Details (the person seeking the Complaint to be resolved)

[You may seek assistance in filling out this form.]

Name: [#Insert Full Name#]

Position Title (if applicable): [#Insert Position Title#]

Area (if applicable): [#Insert Area/Department#]

TYPE OF COMPLAINT (please tick)

Please consider the Workplace Behaviour Policy to ensure the Complaint is accurate. Please seek advice from the School's senior management team or others as required.

- ☐ Bullying
- ☐ Equal Opportunity
- ☐ Discrimination
- ☐ Harassment
- ☐ Sexual Harassment
- ☐ Victimisation
- ☐ Vilification
- ☐ Work, health and safety matter (unresolved)
- ☐ Code of Conduct
- ☐ Other matter not categorised above. Please list:

RESPONDENT(S) DETAILS (the person against whom the Complaint has been raised)

Name(s): [#Insert Full Name#]

Position Title (if applicable): [#Insert Position Title#]

Area (if applicable): [#Insert Area/Department#]

DETAILS OF COMPLAINT [use attachment if necessary]

Date and Time of performance, behaviour and/or conduct: [#Insert Date and Time of performance, behaviour and/or conduct#]

Location of performance, behaviour and/or conduct: [#Insert Location of performance, behaviour and/or conduct#]

Names of Witnesses (if any): [#Insert Names of Witnesses#]

Complaint Details (be precise, in date order and use facts. Do not use opinion, beliefs or conclusions):

Basis of Complaint (include why you are lodging form, your beliefs or conclusions):

This image shows a full page of white paper with horizontal dashed lines, typical of primary school writing paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Other relevant details:

[illegible]

What resolution would you like to occur as a result of raising the Complaint including any proposed process or outcome?

DECLARATION AND ACKNOWLEDGEMENT

I declare/understand that:

The details I have provided in this form are correct to the best of my knowledge.

A Complaint is encouraged to be attempted to be resolved at the Workplace level before any external agencies (e.g. Anti-Discrimination Commission, WorkSafe Tasmania, Fair Work Commission etc) are notified or involved although the School respects a person's lawful right to do so.

Disciplinary action can be brought against me for making vexatious, false or frivolous claims or otherwise claims not made in good faith or without a reasonable basis against another person.

Signature: _____ Date: ____ / ____ / _____

**This form and the subsequent
process will be treated with the
appropriate confidence.**