

PROCEDURE C10.1-P10.1

STAFF GRIEVANCES

1.0 INTRODUCTION

1.1 Related Policy

Staff Grievances Policy

1.2 Purpose

This procedure outlines the options to staff and processes for resolving staff grievances. It should be read in conjunction with the Staff Grievances policy.

1.3 Scope

This policy applies to all Scentia staff and volunteers and covers staff grievances with Scentia's processes and operations, other staff, students, volunteers and contractors.

1.4 Scope Exceptions

This policy does not apply to student complaints and grievances. Refer to the Student Grievances and Complaints policy and procedure.

2.0 RESPONSIBILITIES

1. Staff are responsible for complying with this procedure, including timelines, when lodging a formal complaint or appeal.
2. Staff who are party to a grievance, whether resolving informally or formally, must comply with requests from the nominated Scentia staff member managing the complaint/appeal to attend meetings or to provide information.
3. Head of People and Culture is responsible for:
 - providing support to line managers and staff during informal grievance processes;
 - investigating formal staff grievances; and
 - for recording formal grievances on the appropriate Register.
4. Managers are responsible for investigating and supporting staff during informal grievance resolution.

5. CEO receives appeals from staff and is responsible for:
 - responding to the staff member;
 - notifying the Head of People and Culture of the appeal;
 - considering the appeal; and
 - notifying the staff member of the outcome.
6. The Head of People and Culture will record the detail of appeal and outcome in the appropriate register.
7. The nominated Scentia Staff member managing the complaint/ appeal is responsible to ensure timely communication to the staff member, as outlined in this procedure.
8. The Corporate Board is responsible for monitoring staff grievances and ensuring appropriate responses.

3.0 PROCEDURE

3.1 Informal resolution

1. Staff should always attempt, where possible, to resolve any grievance with the relevant person(s) (e.g., a facilitator, another staff member, student) or section/department involved by informing them of the behaviour, decision or actions that were unfair, offensive, discriminatory.
2. Staff can raise their grievance in person or in writing and should do so as early as possible.
3. At any time while trying to settle the grievance informally, the complainant (the person with the grievance) may seek confidential advice or support from the Head of People and Culture or via the Employee Assistance Program. They can also be represented by a third party (such as a family member, friend, counsellor, advocate, or support person) at all times.
4. If resolution cannot be achieved informally, through discussion with the person or department involved, staff should take the grievance to their Manager. If the complaint relates to the staff member's Manager, staff can either inform their Manager's Manager or the Head of People and Culture.
5. All managers must attempt to resolve grievances from their staff that fall into their area of responsibility and decision-making authority. If they have insufficient authority to implement a resolution, they must refer grievances to the next level of management or identify the appropriate resolution mechanism and refer grievances to that process.
6. Where a grievance cannot be resolved by informal resolution, staff will be advised of how to lodge a formal complaint.

3.2 Lodging a formal complaint

1. Staff who wish to make a formal complaint, must submit it in writing via email to the Head of People and Culture. This should include a description of the incident(s), decision/behaviour in question, the time and date of the incident(s), the names of any witnesses, signature and date.
2. Staff who need assistance lodging a formal complaint, should contact the Head of People and Culture.
3. At any time through the formal complaints process, the complainant (the person with the grievance) may request changes to processes to protect their own wellbeing.
4. Staff should also inform their Manager they are making a formal complaint. If the complaint relates to their manager, staff should inform their Manager's Manager or the Head of People and Culture.

3.3 Investigating a complaint

1. Staff complaints will be investigated by the Head of People and Culture together with the staff member's direct manager or another where appropriate.
2. The investigation of a complaint will involve:
 - interviews with the person making the complaint (the complainant), the person(s) named in the complaint (the respondent(s)), any witnesses and any other relevant persons.
 - reviewing any evidence.
 - recording outcomes of meetings as a formal record.
3. When investigating a formal complaint, Managers and the Head of People and Culture must act in accordance with the rules of natural justice. This includes:
 - obtaining consent from the complainant before disclosing their identity to others, with the exception of the respondent (unless required to meet Scentia's duty of care or other obligations). Investigators may discuss the matter in the context of getting advice from specialised staff.
 - informing all parties of the procedure being followed and providing them with copies of relevant policies and guidelines;
 - explaining to the complainant that the requirements of procedural fairness mean that their identity may be disclosed to the respondent;
 - informing the respondent of any allegation made against them, and allowing time for a response;
 - providing the respondent with the opportunity to state their case, providing an explanation or putting forward a defence; conducting a

factual investigation of the allegation, interviewing all parties and considering all relevant information; and

- acting fairly, impartially and without bias by considering all relevant information and any mitigating factors.
 - present a fair and balanced outcome and report; and
 - ensure the outcome is evidence-based and defensible.
4. When investigating or managing the formal complaints process, Managers and the Head of People and Culture must consider the wellbeing of all parties, particularly the complainant in cases of bullying and sexual harassment and assault. Requests for adjustment to processes and timelines should be accommodated to ensure the complainant and others are not re-traumatised, and information on support options should be provided to all parties throughout.
 5. Where there is a conflict of interest, real or perceived, Managers and the Head of People and Culture investigating a complaint should refer the matter immediately to an alternative investigator or the next level of management.

3.4 Outcomes

1. Following an investigation, a decision is made by the nominated Scentia staff managing the informal/formal complaint. The decision may be:
 - that the complaint is unsubstantiated
 - that further investigation is required
 - to remedy the cause of the grievance
 - to revoke a decision
 - to change a policy or procedure
 - to retrain/discipline a student
 - to retrain/discipline a staff member
2. Head of People and Culture will advise all parties of the outcome of any investigation, including any final decision made in respect of the formal complaint (and reasons), within twenty-one (21) business days of receiving written notice of the complaint.
3. Head of People and Culture will record formal resolutions, reasons for decisions and actions to be taken on the Staff Grievances and Complaints Register.
4. If the complaint is found to have been fabricated, appropriate action may be taken against the complainant in accordance with the Disciplinary and Termination Policy.

3.5 Appeals

1. Parties to a formal complaint will be informed of their right to appeal when advised of the decision. To appeal, they must provide written notice of any intention to lodge an appeal of the formal complaints process to the CEO.
2. Appeals must be lodged within twenty-one (21) business days of receiving notice of the decision.
3. Once an appeal is received, the CEO will:
 - acknowledge the appeal in writing within five (5) business days of the appeal being lodged.
 - arrange for an appropriate Scentia staff member, not involved in the original investigation, to conduct an independent investigation that is fair and impartial. A decision on any appeal must be made within twenty-one (21) business days.
 - make every effort to arrange for the outcome of the appeal to be communicated to the staff member and other involved parties in writing within twenty-one (21) business days, outlining the reasons for the decision and any actions to be taken.
 - provide the staff member with information on the external grievance procedure that is available if they are not satisfied with the outcome of the internal appeals procedure.
 - advise the staff member of their right to lodge an external appeal of the decision on the internal appeal and how to do so.

3.6 External appeals

1. Where the staff member remains dissatisfied with the outcome of the internal appeal, they can request an independent external review of the grievance. They must provide written notice of any intention to lodge an external appeal to the CEO. This must be done within twenty-one (21) business days of receiving the outcome of the internal appeal.
2. Staff may also elect to contact the Fair Work Ombudsman.
3. Any agreed resolution or decision (where applicable) in relation to a grievance that is made under an external appeal procedure will be implemented, wherever practicable, by Scentia within twenty-one (21) business days of the resolution/decision.
4. All staff shall be referred to appropriate external support groups for assistance as needed to help them cope with their work commitments.

3.7 Review

1. Head of People and Culture must provide a quarterly report on Staff Grievances and Complaints to the Senior Leadership Team (SLT). This should include data on the number of grievances, their outcomes, analysis of any trends, and recommendations to prevent and address ongoing issues. Any information shared with the SLT will be de-identified to ensure confidentiality and privacy of grievances is maintained.
2. The CEO provides a quarterly report on Staff Grievances to the Corporate Board outlining trends, resolution and outcomes.

4.0 DEFINITIONS

- **Appeal** - A formal application in writing to a higher authoritative figure or body to have a decision reversed.
- **Complainant** - The individual with a grievance or making a complaint.
- **Formal complaint** - A formal statement made in writing that something is unsatisfactory or unacceptable.
- **Grievance** - is a concern, complaint, issue, or problem over something believed to be wrong or unfair.
- **Respondent** - The individual(s) about whom the grievance or complaint is made.

5.0 REFERENCES AND ASSOCIATED INFORMATION

- Staff Grievances Policy
- Grievance Form
- Staff Grievance and Complaints Register

6.0 POLICY/PROCEDURE OWNERSHIP

Policy Owner	Head of People and Culture
Status	Reviewed on November 2022
Approval Authority	Chief Executive Officer (CEO)
Date of Approval	15/12/2022
Effective Date	11/01/2023
Implementation Owner	Head of People and Culture
Maintenance Owner	Head of People and Culture
Review Due	January 2025
Content Enquiries	Liz Douglas - Head of People and Culture Email: ldouglas@scentia.com.au

7.0 AMENDMENTS

Version	Amendment Approval (Date)	Amendment Made By (Position)	Amendment Details
C10.0-P10.0	25/02/2022	Head of People and Culture	Significant expansion and rewrite to cover the areas of informal and formal resolution, investigation, appeal, external review and confidentiality and record keeping.
C10.1-P10.1	November 2022	Head of Compliance	Reference to the role of the Corporate Board in monitoring Staff grievances