



Staff Grievances Policy

Aims

- A. To maintain positive and respectful work relationships and encourage cooperation to resolve grievances and conflicts in a professional manner.
- B. To guide the process for resolution when conflict arises between employees.

Scope and Application

This policy is available on the school website and applies to:

- A. Employees
- B. Board members

The *KSCS Grievances Policy* will be supplied with the staff induction package at commencement of staff employment.

Definitions

- A. **Arbitration** - is a process where disputing parties agree that one or several individuals can make a decision about the dispute after receiving evidence and hearing arguments.
- B. **Complainant** - an employee who, in his or her employment capacity, makes a complaint or lodges a grievance.
- C. **Complaint** - the expression of dissatisfaction by an employee regarding the actions or behaviour of another employee towards him or her, or which the employee perceives adversely affects him or her.
- D. **Conciliation Committee** – a committee comprising of school personnel, where parties discuss issues to reach an agreement. The Conciliation Committee may offer advice and potential solutions.
- E. **Confidentiality** - the requirement that matters that are part of a grievance resolution process must remain confidential at all times between the employees concerned and any other parties who have a legitimate interest in the process. Such parties may include support persons, unions or professional associations and more senior staff members.
- F. **Grievance** - an issue, concern, or complaint raised by an employee that relates to actions or behaviour of another employee, a part of the organisation, a policy, or a decision.
- G. **Informal Grievance** - an informal grievance resolution process:
 - 1. focuses on personal or facilitated discussion between the complainant/s and respondent/s to address issues; and

2. wherever possible, aims to reach a resolution acceptable to all parties.
- H. Formal Grievance** - a formal grievance resolution process:
1. requires the grievance be submitted in writing (including details of the issue/s or incident/s and any supporting information);
 2. involves an assessment of the grievance through collection of information/evidence;
 3. requires a report detailing the findings and outcome/s; and
 4. entails written notification to complainant/s and respondent/s regarding grievances.
- I. Mediation** - a structured discussion between the complainant/s and respondent/s and a third party (mediator) designed to work through issues in a process to reach a resolution. Mediation may not be appropriate in all cases and is a voluntary resolution option.
- J. Procedural Fairness** - the concept of procedural fairness is derived from the principles of natural justice. A process that demonstrates procedural fairness is one in which:
1. decision makers act fairly and provide reasons for decisions;
 2. the person affected is given a fair hearing;
 3. all parties to a matter have an opportunity to put their case where an adverse decision or finding is made; and
 4. all relevant arguments are considered, and irrelevant arguments are excluded.
- K. Resolution** - an outcome of a complaint that is satisfactory to both parties.
- L. Resolution Agreement** - outcomes that have been agreed to by the parties involved in the grievance.
- M. Resolution Decision** - outcomes to resolve the grievance as determined by the Principal.
- N. Respondent** - employee who is the subject of a grievance.
- O. Support person** - a person who the complainant or respondent elects to be supported by in the grievance resolution process. The support person does not participate in the process but can be present at meetings or interviews.
- P. Unresolved grievance** - a grievance that has not been resolved to the satisfaction of the complainant.

Principles

- A.** Staff grievances will be addressed within a general framework of cooperation that emphasises the prevention of future complaints as well as seeking a resolution to the immediate issue.
- B.** Kerry Street Community School encourages its employees to resolve any issues or concerns that they may have at the earliest opportunity with each other or, failing that, with the Principal. The resolution of employee grievances at a school level is preferred wherever the nature of the grievance is such that it is appropriate to do so.
- C.** All employees will maintain confidentiality in relation to a grievance, with information kept in trust and divulged only to those involved in the grievance process. This does not prevent employees from seeking advice or discussing the matter with a support person or counsellor.

- D. KSCS always respects an employee's rights at law to seek to redress complaints through an external agency (for example, their Union or the Fair Work Commission).

Responsibilities

A. Board

1. Writing and updating this policy in consultation with relevant parties.
2. Dealing with staff grievances that involve the Principal.
3. Chairing the Conciliation Committee.

B. Conciliation Committee

1. Dealing with unresolved staff grievances or staff complaints in relation to the grievance resolution procedure.

C. Principal

1. Ensure that the School is free from all forms of harassment and always act upon inappropriate behaviour within the worksite that may be offensive to other employees.
2. Use professional learning, performance appraisal, and performance management to assist staff to:
 - i. contribute to a positive workplace culture; and
 - ii. promptly manage interpersonal conflicts in the workplace.
3. Inform employees of support services and grievance resolution information at induction and regular intervals.
4. Keep informed about considerations related to employees from equity groups who may require support to raise or address issues or concerns.
5. Deal with incidences or allegations that may constitute misconduct through the *KSCS Staff Conduct and Discipline Policy*.
6. Manage an employee grievance or declare a conflict of interest/bias and refer the grievance to an appropriate person.
7. Ensure grievance management processes are procedurally fair, timely, and comply with relevant legislation.
8. Take all complaints seriously and maintain neutrality.
9. Ensure that all employees are aware of their options in respect of having grievances addressed.
10. Arrange for employees involved in the process to be released from duties at various times to enable their participation in the process if required.
11. Inform, at the conclusion of the process, the complainant and subject of the complaint of their right to lodge a claim within the school's grievance resolution procedures.
12. Ensure documentation of the process and the storage of documentation reflects confidentiality requirements.
13. Initiating any necessary changes to prevent or reduce the incidence of complaints.

D. All Staff

1. Maintain positive and respectful work relationships and contribute to an equitable and inclusive workplace.
2. Resolve grievances at the earliest opportunity, directly with the person concerned.
3. Cooperate to resolve grievances and conflicts in a professional manner.
4. Communicate grievances and disputes to the Principal in a timely manner.
5. Meet with the Principal if the matter relates to potentially unlawful discrimination or bullying, to discuss their options.
6. Identify the type of grievance or issue and related resolution options.
7. Participate in grievance resolution processes and comply with Resolution Agreements or Resolution Decisions.
8. Refrain from making false, vexatious, or frivolous grievances or victimising any parties related to a grievance.
9. Seek support as required.
10. Observe confidentiality requirements.

Related Legislation

- A. Equal Opportunity Act 1984
- B. Fair Work Act 2009 and the Fair Work Regulations 2009 (Commonwealth)
- C. Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)
- D. Industrial Relations Act 1979
- E. Racial Discrimination Act 1975 (Commonwealth)
- F. School Education Act 1999
- G. Teacher Registration Board Act 2013
- H. [Educational Services \(Schools\) General Staff Award 2010](#)
- I. [Educational Services \(Teachers\) Award 2010](#)
- J. [Independent Schools' Teachers' Award 1976](#)
- K. [Independent Schools Administrative and Technical Officers Award 1993 Number A15 of 1991](#)
- L. [Teachers' Aides \(Independent Schools\) Award 1988](#).

Related Kerry Street Documentation

- A. Procedures and Forms including:
 1. Staff Grievance Procedure
 2. KSCS Staff Grievance Flowchart
- B. KSCS Policies including:
 1. Concerns and Complaints Policy
 2. Non-Discrimination and Anti-Harassment Policy
 3. Human Resource Management Policy
 4. Privacy Policy

- 5. Records Management Policy
- 6. Staff Conduct and Discipline Policy
- C. KSCS Constitution
- D. KSCS Values and Philosophy
- E. Staff files

Contact Person

Enquiries relating to this policy should be directed to the School Principal or Board Chair.

Breaches of this Policy

Any breach of this policy may result in disciplinary action up to and including termination.

Review and Authorisation

- A. New policy created May 2021
- B. To be reviewed S2 2023

Revision History

Date	Revision	Detail
June 2021	V.1	Policy and Procedures created.