

HR3	Complaints, Grievance and Dispute Policy
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PURPOSE

Fitzroy learning Network (FLN) fosters a productive and harmonious working environment where work-related complaints or grievances are managed promptly, impartially and justly.

In the instance where a complaint or grievance does arise, FLN accepts responsibility to provide employees members of the Board, volunteers, students and clients with appropriate ways to resolve such complaints and disputes, with principles of natural justice being applied.

As far as possible, FLN also commits to a positive outcome and minimising adverse impacts within the organisation. To achieve this:

- Concerns should be raised as early as possible.
- Grievances and complaints will be treated seriously, expeditiously, sensitively and as close as possible to their source having due regard to procedural fairness, confidentiality and potential for victimisation.
- The principles of procedural fairness will be applied, with staff members having the right to be informed about any grievance that involves them, having the right to be heard by an unbiased decision maker, and having the right to have a witness present.
- All parties are required to participate in the grievance resolution process in good faith.
- Staff and members of the Board are not to instigate grievances or complaints that are frivolous or vexatious.
- Grievances and complaints and information arising from the handling of any grievance or complaint will be treated confidentially.

Record of policy development		
Version	Date approved	
V3 31/01/2020		

Responsibilities and delegations	
This policy applies to	Board, staff, volunteers and students
Specific responsibilities	CEO on internal matters in relation to day to management. Board in relation to issues concerning the CEO, OR matters that cannot be resolved internally, OR are of serious nature OR

	requiring external mandatory reporting to a government department or authority.
Policy approval	FLN Board

Policy context – this policy relates to:	
Standards	AQTF VRQA RTO AMEP Skills First
Legislation	OHS Act Bullying and Harassment and Anti-Discrimination Privacy and Confidentiality
Contractual obligations	AQTF VRQA RTO AMEP DHHS City of Yarra
Organisation policies	Bullying and Harassment and Anti-Discrimination Privacy and Confidentiality OHS Volunteer Management

Definitions

This policy defines the difference between a complaint and a grievance as follows:

Grievance: A grievance is a more specific and serious feeling of wrong doing that relates to harassment, discrimination or vilification by person(s) within FLN or external to the Board – a grievance may be managed at the Board level.

Complaint: is a general expression of dissatisfaction with a situation or the behaviours of other person(s) within the organisation – generally a complaint will be able to be managed within an individual program.

The difference between a Grievance and Complaint: - A complaint may be about any type of work-related problem that is causing distress. The grievance may arise from a decision, act or omission by any person or persons within FLN, which is considered by the complainant to be wrong, mistaken, unjust or discriminatory.

Procedural fairness: a set of principles that support fair and unbiased resolution of disputes that include a commitment to: treating all parties equally; providing all parties with the opportunity to contribute their point of view; impartial decision making based on consideration of relevant information; adequate notice of hearings and the right to a witness; prompt action; and clear communication about the decision and the reasons for that decision.

Procedures

An assessment of the nature of the concern will be undertaken to determine if it is a grievance or a complaint, once this is determined the following procedures will apply.

All parties will maintain complete confidentiality at all times.

Staff are encouraged to first discuss the matter with the involved party prior to lodging a formal grievance or complaint.

If the grievance or complaint cannot be resolved informally, the complainant should submit written details to the CEO of their concerns and the grounds for the grievance or complaint.

If the matter involves the employee/volunteer's supervisor, the complainant may discuss the issue directly with the next most senior person or in the case of the CEO to the Chair of the Board.

The supervisor will initiate an informal meeting with the complainant to discuss the grievance or complaint in order to come to a full understanding. The supervisor may request further information which the complainant must provide. The complainant can have an independent witness attend any meetings.

The supervisor will provide written acknowledgement of the grievance or complaint within seven days of the initial meeting.

- If the matter is about another employee/volunteer/student, this person will be informed, in writing, within seven days of the grievance being lodged.
- The supervisor will address the grievance or complaint with a view to resolving it within two weeks. This may take the form of the supervisor prescribing the approach to be adopted to address the issues and find a resolution, and specifying any actions to be taken by any party to the grievance or complaint.
- If the grievance or complaint is not resolved within one calendar month, an external and mutually selected professional mediator will meet with involved parties to investigate and resolve the problem. Possible sources of external mediators include peak organisations, Job Australia, Fair Work Australia, Victorian Human Right and Equal Opportunity Commission and relevant union.



- Written documents produced as part of the dispute will be held on a confidential file by the supervisor for a period of 12 months and destroyed if no further conflicts arise.
- Matters concerning a member of the Board are to be reported to the Chair and if concerning the Chair to the CEO or member of the Board.
Matters concerning students are to refer to the student grievance and complaints process and if cannot be resolved to be forwarded to the funding organisation that the student is funded.
- A simple version of this grievance policy as it relates to students is made available to students and posted on noticeboards.
- The outcomes of a formal grievance process may include (but not be limited to):
 - a verbal or written apology
 - a change in policy or procedure
 - changes in work practices
 - training of staff
 - counselling of staff
 - disciplinary action
 - termination of employment, volunteering, student or client access.
 - A process of mediation conducted to resolve the issue or support students through the process.