

Staff Grievance Policy

Date of Approval by Governing Board: 1st Oct '15

Date of review: Oct '19

1. Purpose

1.1 This Policy sets out the *Leaders Institute* (LI) approach to managing concerns or complaints, which arise as workplace grievances.

1.2 The policy seeks to develop a supportive workplace with policies and procedures that provide a clear understanding of the expectation from LI staff, including with respect to conduct that may constitute a breach of workplace policies and procedures, including but not limited to the Institutes code of conduct.

2. Definitions

A Grievance means a complaint from a staff member concerning treatment in a particular workplace that is inequitable or procedurally unfair; or a complaint that arises from perceived personal concerns relating to one or more work-related interpersonal relationships. If more than one staff member raises the same or substantially similar grievance(s), then each grievant will be managed separately.

3. Principles

3.1 LI in the case of all grievances will review the allegations and respond to the staff member who raised the complaint.

3.2 LI will aim to ensure that:

- grievances are addressed sensitively, promptly and in accordance with relevant policies and principles of natural justice;
- all reasonable steps are taken to respect the confidentiality of the people involved in a grievance;
- fairness and impartiality prevail throughout the appropriate resolution process - until a grievance is investigated and a decision is made, a grievance is an allegation, not a fact;
- appropriate records are maintained throughout the resolution process;
- persons who notify grievances are protected from victimisation or reprisal; and
- persons who notify grievances are regularly informed of the progress of the matter, including the consequences of any finding that the grievance is substantiated or not substantiated.

4 Role and Responsibilities

4.1 The Dean, Registrar or delegated supervisor of the Institute will be responsible for the specific departments or teams that they oversee.

4.2 CEO and HR Manager are responsible to ensure that all staff are aware of the policy and procedure.

5 Scope

5.1 This policy applies to all staff of LI.

5.2 The policy should be read in conjunction with the following documents:

- *Staff Grievance Procedures*
- *Staff Code of Conduct*

Staff Grievance Procedure

1. Context

1.1 All LI staff have the right to work in a safe working environment and to be treated with dignity and respect.

1.2 LI provides these procedures through which staff can have a workplace grievance addressed.

1.3 LI staff have a right to use the procedures if they believe they have a legitimate grievance that can be dealt with under these procedures.

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3. Procedures

3.1 Preliminary Action

3.1.1 Before initiating the following procedures, complainants are encouraged to try to settle any grievance directly with the person(s) concerned.

3.1.2 A complainant should raise their grievance with the respondent as early as possible.

3.1.3 At any time while trying to settle the grievance, a complainant or respondent may consult confidentially with anyone they choose.

3.2 Informal Procedure

3.2.1 The informal procedure for the settlement of grievances will not normally be invoked unless the complainant has attempted to settle the grievance directly with the respondent as outlined in the Preliminary Action above.

3.2.2 A complainant may refer the grievance to their supervisor for settlement of the grievance. When a complainant has a grievance against their supervisor the Complainant may refer the grievance to their supervisor's supervisor.

3.2.3 To commence the Informal Procedure the complainant must provide in writing to their supervisor:

- a clear statement of the grievance, including the parties to the grievance;
- a process for trying to settle the grievance, which will be considered by the supervisor;
- a suggested solution which the Complainant believes would settle the grievance. An appropriate solution will focus on achieving a productive working environment or relationship, rather than apportioning blame.

3.2.4 Within 10 working days of receiving the notification of the grievance the supervisor will determine whether the subject matter, prima facie, falls within the definition of a grievance. Where it is determined that the subject matter falls within the definition, the supervisor will:

- a. gather such other information as required to assist with the settlement of the grievance, including providing the respondent with the statement of the grievance and the opportunity to respond; and
- b. attempt to settle the grievance by using the process outlined by the complainant for settlement (if appropriate) or through discussion; or arranging counselling; mediation and/or conciliation (“the Informal procedure”).

Where it is determined that the subject matter of the grievance falls outside the definition of a grievance, the supervisor will advise the complainant accordingly. The supervisor may dismiss a grievance if in the Supervisor’s view the grievance is ill-advised, misguided, frivolous, malicious or vexatious.

- 3.2.5 If the complainant’s supervisor does not supervise the respondent, the supervisor will determine the appropriateness of including the respondent’s supervisor in seeking to settle the grievance, recognising the importance of keeping the grievance as close to the source as possible.
- 3.2.6 After the conclusion of the Informal procedure, the supervisor will write to both the complainant and respondent indicating the outcome of the process and specifying any action that has been agreed by the parties as part of that process.

3.3 Formal Procedure

The formal procedure for the settlement of grievances will not normally be invoked unless the matter has been first referred for settlement under the Informal Procedure.

- 3.3.1 If settlement of the grievance has not been achieved for any reason, including as a result of a determination by the supervisor that the subject matter falls outside the definition of a grievance or as a result of the grievance being dismissed under the Informal Procedure, a party may seek settlement of the grievance through the Formal Procedure. The Formal Procedure will normally be invoked within five working days of the supervisor notifying the parties of the outcome of the Informal Procedure or from the date of the conclusion of the unsuccessful mediation and/or conciliation.
- 3.3.2 A formal grievance may only be commenced by lodging a grievance application with the Dean for academic matters and the Registrar for operational matters.
- 3.3.3 Within twenty working days of receipt of the grievance application, the Dean / Registrar must appoint an Investigator to hear the grievance.
- 3.3.4 The Investigator will, within twenty working days of appointment:
 - interview both the complainant and respondent and such other persons or seek any further information the Investigator considers necessary and will conduct any investigation in accordance with Principles of Natural Justice;
 - determine whether the grievance is justified; and
 - recommend to the Dean / Registrar appropriate action which may include: counselling for either or both parties; arranging for conciliation of the grievance; recommending disciplinary action; or that no further action be taken.
- 3.3.5 If in the Investigator’s view, the grievance is ill-advised, misguided, frivolous, malicious or vexatious, the Dean will advise the complainant, and where appropriate other parties, in writing of this finding and the reasons for the finding and where appropriate take action in accordance with relevant staff provisions against the complainant. The decision of the Dean / Registrar is the final step in the grievance process and is not open to challenge via any other dispute settling procedures of the Institute.

3.4 Confidentiality

All persons associated with the informal and formal procedures should maintain confidentiality and only discuss the grievance with those who have responsibility for dealing with the grievance.