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# MANAGING WORKPLACE COMPLAINTS POLICY FOR THE DIOCESAN SCHOOLS SYSTEM

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September 2016

## INTRODUCTION AND PURPOSE

This document outlines the principles the Trustees of the Roman Catholic Church for the Diocese of Broken Bay on behalf of its agency the Catholic Schools Office (the Employer) will follow when dealing with workplace complaints. The objectives of this document are to promote and maintain positive working relationships and harmonious working environments and to prevent, where possible, minor workplace complaints escalating to become more serious matters. To achieve this, workplace complaints should be managed promptly, confidentially and impartially.

## SCOPE

This document applies to all staff members of systemic schools and the Catholic Schools Office. It is not intended to be a set of rigid procedures that must be followed when a workplace complaint is raised, as the process for dealing with a particular concern will vary depending on the nature, circumstances and seriousness of the complaint. Consequently, the document provides for several avenues that can be used in attempting to resolve workplace complaints.

## WHAT IS A WORKPLACE COMPLAINT

A workplace complaint, which can also be known as a grievance, is a clear statement, written or oral, raised by a staff member regarding a genuine work-related concern. This can include interpersonal conflict, perceived breach of policy, the allocation of work or developmental opportunities or a perceived unfairness in the workplace.

As a Catholic organisation our approach to preventing discrimination, harassment and bullying is underpinned by our Catholic understanding of the dignity of every human person who is made in the image and likeness of God and the innate dignity of their work.

Managing a workplace complaint should not be confused with performance management. Workplace complaints are matters identified by individual staff members while performance management is poor performance or misconduct being managed by the Employer.

A workplace complaint may result in performance management being undertaken by the Employer, if misconduct or poor performance is identified as a result of the complaint.

A workplace complaint may also be raised during performance management, and while the complaint will be considered by the Employer under this process, the performance management process will continue independently.

## PRINCIPLES FOR MANAGING A WORKPLACE COMPLAINT

All complaints should be treated seriously, dealt with as soon as practicable and conducted in a fair, impartial and professional manner.

All staff members have a responsibility to recognise their own role in contributing to a harmonious workplace including ensuring their behaviour is consistent with the Code of Conduct and other workplace policies and guidelines [where applicable], treating all staff members with respect, raising matters of concern promptly and not raising frivolous, malicious or vexatious complaints.

A complaint can sometimes arise because a staff member has seen or heard something, come to their own conclusion on what they saw or heard and acted as a consequence. Prior to acting, staff members should retrace their steps to understand why they felt the way they did and respond, rather than react. To assist this, staff members are encouraged to:

- share their views about the incident with the other person/s including their understanding of the facts and how it made them feel;
- ask the other person/s for their views and what they were feeling;
- attempt to differentiate the facts from feelings; and
- attempt to see the opposing view and play the devil's advocate.

By working through these steps, staff members may be able to better understand all of the facts and why others behaved the way they did. As a consequence, staff can often resolve the concern themselves by using these steps, prior to it becoming a workplace complaint.

Staff members raising a workplace complaint should be treated with respect, protected from victimisation, kept informed on the status of the complaint and any recommendations that may result from it and have the option of a support person present at any meetings. They must also actively participate in the resolution process.

Staff members who have a complaint raised against them should be treated with respect and be provided with sufficient information about the complaint to be able to adequately respond to it. They should be given a reasonable opportunity to respond to the complaint and have the option to have a support person with them in any meetings. They should also be kept informed of the status of the complaint and any recommendations that may result from it. They must actively participate in the resolution process and not victimise the staff member who raised the complaint.

All staff members have a responsibility to maintain confidentiality if they are involved in any capacity in a workplace complaint. This includes not discussing the complaint with anyone else, including others who may also be involved in the complaint such as witnesses or the person who raised the allegation, unless expressly authorised to do so by the Employer. If information about a complaint is discussed or released without authorisation, the staff member who released the information could find themselves the subject of disciplinary action for misconduct.

In some circumstances the complaint may not be kept confidential by the Employer as they may be obliged to interview staff regarding the complaint and/or notify external bodies of the complaint, such as the NSW Police, if it raises a matter that involves alleged illegal activity.

## **OPTIONS FOR RESOLVING WORKPLACE COMPLAINTS**

Given workplace complaints can encompass a wide variety of issues, each complaint should be considered on its own merits to determine the most appropriate way to resolve it. Outlined below are a range of options that may be used to resolve a workplace complaint. While it is recommended that a complaint is sought to be resolved in the order set out below, it is also recognised that in some circumstances this may not be appropriate, and it may be necessary to commence with a later option.

### **Self Resolution**

There may be instances where staff members make decisions without realising the impact those decisions have on others around them, or behave in a manner they do not realise may cause offence, disturb or annoy others e.g. playing a radio at their workstation that may be distracting to those around them.

Staff members are therefore encouraged to try to resolve the issue themselves directly with the other party in the first instance.

By having a conversation directly with the other party in a respectful manner, clearly articulating the behaviour and the effect of that behaviour, the complaint can often be resolved at this point. It also gives the other party an opportunity to respond to the concerns raised without the matter having to be referred to a third party.

### **Managerial Assistance**

Where self resolution has been unsuccessful or is not appropriate in the circumstances, or where a staff member is unsure how to handle the problem themselves, they should seek the assistance of their direct supervisor or manager. The supervisor or manager may seek to resolve the issue by speaking to the other party on behalf of the staff member or by facilitating a dialogue between the two parties.

Sometimes it may not be appropriate, or the staff member may not feel comfortable approaching, their immediate supervisor or manager to assist with a complaint e.g. if the complaint is about the supervisor. In these instances, the staff member should approach a more senior manager or their human resources department Head for assistance.

### **Mediation**

Mediation may be initiated by the Employer where the complaint has not been resolved through self resolution or managerial assistance or where the circumstances suggest mediation may assist in resolving the complaint.

Mediation is where an independent person (either internal or external to the organisation) assists parties resolve their differences or disputes. It is generally a more structured process than self resolution or managerial assistance however it is still conducted in an informal manner, as all parties are encouraged to speak openly about the issues to assist in obtaining a resolution.

As with the above two approaches, mediation seeks to support the parties resolving their own problems to reach an outcome agreeable to all.

### **Investigation**

If the workplace complaint is unable to be resolved to the satisfaction of all parties, the Employer may decide to commence a formal investigation undertaken by an independent person, either internal or external to the organisation. The investigating officer should interview the staff member raising the complaint, any respondent/s and any other relevant witnesses. After considering the evidence made available to them, the investigator should provide a report with findings.

The Employer will review the report and make the final decision on what actions, if any, it will take. These may include initiating a new work process, an apology, counselling, training or initiating disciplinary action. This can also include action against the staff member who raised the complaint if the complaint is found to be frivolous, malicious or vexatious.

### **REVIEW MECHANISM**

If a staff member is not satisfied with the outcome of a workplace complaint, they may request an internal review be conducted by the Employer. Reasons outlining why the review is being requested are to be included in the request. The Employer retains responsibility for making the final decision on a complaint, including whether to conduct the review, based on the information provided to them.

If a staff member remains dissatisfied with how their complaint was handled by the Employer they may be able to take their complaint to an external agency such as a Court or Industrial Tribunal, the NSW Anti-Discrimination Board or the Australian Human Rights Commission.

### **MAINTAINING DOCUMENTATION**

Documentation relating to workplace complaints should be maintained and kept confidential. The level of detail required will depend on the type of complaint that is raised. At a minimum, those who are responsible for managing a workplace complaint should retain file notes on any discussions with staff members about the complaint. Where the complaint is more

complex, it may be necessary to maintain more comprehensive notes and/or create a specific file. Documentation should include sufficient information about the complaint, any steps taken to manage the complaint and any approach taken to resolve it.

The Employer may also request and review reports from supervisors or managers on the frequency, issues, resolutions and locations of workplace complaints within the organisation. This will assist the Employer review the effectiveness of the workplace complaints process and also identify any systemic problems or trends that may warrant further investigation.

### **FURTHER INFORMATION**

Further information about the processes outlined in this document can be sought from Head of Human Resource Services.

Staff can access the services of AccessEAP on 1800 818 728.

### **RELATED POLICIES AND GUIDELINES**

Managing Conduct and Performance Policy  
Preventing Discrimination, Harassment and Bullying Policy

### **POLICY REVIEW**

This policy will be reviewed not less frequently than once every five years.

### **POLICY DATES**

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| Date policy originally issued | September 2016 |
| Date of current version       | September 2016 |
| Date of next review           | September 2021 |

authorised by  
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