

Grievance Policy

Contents

1	Purpose	2
2	Scope.....	2
3	Policy Statement.....	2
4	Guiding Principles	2
5	Procedural Fairness	3
6	Informal complaint procedures	3
6.1	Self-help.....	3
6.2	Intervention by a contact person, supervisor and/or manager.....	3
6.3	Independent management action	3
7	Formal grievance procedure.....	4
7.1	Meet with the complainant	4
7.2	Investigate the allegation.....	4
8	Documentation	5
9	Confidentiality.....	5
10	Advise parties of the outcome	5
11	Mediation	5
12	Appeals Process	5
13	Definitions.....	6
14	Related Documents	6
15	Document control.....	6
16	Policy Version and Revision Information.....	6

1 Purpose

Kiama Community College Ltd (KCC) is committed to providing a harmonious work environment for all employees.

KCC acknowledges that employees may have a grievance with another employee. To assist employees in resolving any issues that may arise, KCC has established this policy.

2 Scope

The policy applies to all employees and contractors (including temporary contractors) of KCC, collectively referred to as “employees”.

3 Policy Statement

A grievance is a decision, behaviour, act or omission that an employee feels is unfair, discriminatory, unjustified, bullying or perceived harassment.

KCC is committed to:

- Ensuring that KCC is a safe, fair and just place in which to work.
- Actively promoting the development of positive personal relationships, where persons respect one another and being pro-active in seeking to minimise the incidence of conflict that might otherwise give rise to a complaint or grievance.
- Supporting the right of every member of KCC to have their grievances listened to, addressed fairly and dealt with expeditiously.
- Attempting to resolve disputes and grievances in a non-threatening, respectful manner and in a supportive environment.

4 Guiding Principles

The following principles guide KCC:

- The health, safety and wellbeing of all members of KCC remains the highest priority.
- Employees are entitled to lodge a grievance.
- Grievances should be lodged in good faith and without frivolous, malicious or vexatious intent.
- All resolution policies and processes acknowledge and value different perspectives and operate under the principles of impartiality, promptness and protection from victimisation.
- Every reasonable effort will be made by KCC and its representatives to ensure that an employee who lodges a grievance will not be treated unfairly or victimised because of the grievance nor will anyone dealing with the grievance be coerced or intimidated.
- KCC supports, where possible, an informal, amicable and equitable resolution of grievances through discussions, mediation and/or conciliation to achieve an agreed course of conduct and behaviour aimed at enabling all parties to continue at KCC.

All complaints should be regarded as serious matters and handled with discretion, understanding and a high level of professionalism. Confidentiality must be maintained to ensure each grievance is impartial and free from interference, restraint and reprisal.

Managers and Coordinators all have a responsibility to act promptly after receiving a complaint. Any delay in taking action may be interpreted by employees and independent government agencies as management condoning the action that has led to the complaint. If a situation involves a criminal offence, the police should be notified after the victim's consent has been obtained, unless mandatory reporting is required.

5 Procedural Fairness

In dealing with a complaint, informally or formally, every reasonable effort shall be made to ensure that procedural fairness is afforded to all parties. This means, in practical terms:

- Subject to duty of care or other legal obligations, respondents should normally be informed of all allegations, and the basis for and the specific circumstances which give rise to the grievance
- The right of all parties to be heard and to put their case
- Investigations into the grievance must be undertaken expeditiously and thoroughly.
- Only matters that are relevant to the grievance under consideration should be taken into account
- It is recognised that the application of the principles of procedural fairness can vary, depending upon the context and nature of the grievance and the nature of the response proposed or sought

6 Informal complaint procedures

Complainants are encouraged to firstly and, where practicable, seek to resolve a complaint informally.

6.1 Self-help

In some circumstances, it may be appropriate to discuss the perceived grievance with the person responsible for the relevant decision, behaviour or activity. If a resolution to the grievance is not forthcoming, or the complainant feels uncomfortable approaching the person involved, they may wish to consider the other alternatives as outlined below.

6.2 Intervention by a contact person, supervisor and/or manager

The employee may raise the matter with a contact person and/or their supervisor and discuss possible solutions or request that a third party speak to the person concerned about the allegations. If raising the matter with their supervisor is not appropriate, the employee should raise the matter with the relevant manager.

If the alleged respondent accepts the allegations, the third party may be able to negotiate a resolution of the complaint. If the allegations are denied, the third party should inform the complainant who will then decide whether they want to proceed through KCC's formal grievance procedures.

6.3 Independent management action

If a manager becomes aware, or is made aware, of a situation where inappropriate behaviour has occurred, they may decide to take action to address this, even if no complaint, informal or formal, has been made.

7 Formal grievance procedure

An employee may seek to lodge a formal grievance with their supervisor or manager, either verbally or in writing. The supervisor/manager will then expeditiously put in place a process, staffed by an appropriate and impartial person to investigate the complaint. The investigator will have no connection to the complaint. Where appropriate, an independent third party external to the organisation may be contracted by the Chief Executive Officer to conduct a grievance investigation and provide a report on the findings.

If the subject of the complaint is the CEO, the grievance must be directed to the Chair of the Board by letter marked "Confidential for attention of the Chair" to PO Box 52, Kiama NSW 2533.

All formal complaints will be investigated, as per the following process:

7.1 Meet with the complainant

Once a complaint has been made, an initial interview should be conducted as soon as possible between the person managing the complaint and the complainant in order to establish the circumstances of the complaint first-hand. Aspects of the complaint that are unclear or require elaboration should be identified and addressed.

The complainant is permitted to bring another person to the meeting for personal support. A support person may provide moral/emotional support to the complainant and is permitted to take notes during the meeting. A support person is not an advocate and is not permitted to answer questions on behalf of the complainant or interject in the proceedings. The complainant must notify the person managing the complaint who their intended support person is in advance of the meeting. KCC Ltd reserves the right to insist upon an alternative support person in the event that confidentiality or a conflict of interest is of genuine concern.

7.2 Investigate the allegation

The person investigating the complaint will meet with the alleged party(s) involved to discuss the complaint.

The person against whom the allegation/complaint has been made should be advised of the details of the complaint and given an opportunity to respond to the allegations. The person investigating the allegation should interview the alleged respondent in private.

The alleged respondent is permitted to bring another person to the meeting for personal support. A support person can be a family member or friend. Employees of the organisation are generally not permitted in order to manage confidentiality and conflict of interest concerns.

It may be necessary to speak with other employees in order to determine what happened, to legal representatives or KCC's managers.

If the CEO and HR Lead considers it appropriate for the safe and efficient conduct of an investigation, employees may be required not to report for work during the period of an investigation. KCC may also provide alternative duties or work during the investigation period. Generally, employees will be paid their normal pay during any such period.

8 Documentation

Accurate and complete documentation must be maintained relating to all discussions. During the initial interview with both the complainant and alleged respondent the person managing the complaint and investigation should explain that they will be taking notes throughout the interview processes. Exact quotations should be used wherever possible.

9 Confidentiality

The allegations and details of the investigation should be disclosed only to persons who are involved in the complaint investigation procedure, as required and appropriate.

Witnesses must be briefed on the importance of maintaining strict confidentiality about details relating to the complaint.

10 Advise parties of the outcome

All involved parties should be notified of the outcome of the investigation and the reasons for that outcome as soon as possible. The rationale supporting the outcome should be well documented and will be placed on an employee's personnel file.

Depending on the results of the investigation, disciplinary action may be required. Refer to the Conduct and Performance Policy. Any disciplinary action is a confidential matter between the affected person(s) and KCC.

KCC may take a range of other non-disciplinary outcomes to resolve a grievance. Examples include, but are not limited to:

- training to assist in addressing the problems underpinning the grievance;
- monitoring to ensure that there are no further problems;
- implementing a new policy;
- requiring an apology or an undertaking that certain behaviour stop; and/or
- changing work arrangements.

11 Mediation

Third party mediation is an option if it becomes clear to the person managing the complaint that the complaint cannot be resolved internally. The person managing the complaint should speak to the CEO for assistance in organising mediation.

12 Appeals Process

An employee may make an appeal to the CEO where the resolution processes within KCC Ltd have failed or are otherwise felt by the employee to be inappropriate. In such instances, the CEO will take advice from appropriate persons and make a determination as to how the grievance should thereafter be dealt with.

Any determination made by the CEO in regard to a grievance will be final, subject to the

complainant's capacity to take the grievance to an independent external body.

Where an appeal is in relation to the CEO, the complainant may make an appeal to the Chairperson of the Board of KCC by letter marked "Confidential for attention of the Chair" to PO Box 52, Kiama NSW 2533.

13 Definitions

Term	Definition
Kiama Community College Ltd (KCC)	Kiama Community College, Shoalhaven Community College and Shoalhaven River College.

14 Related Documents

- Code of Conduct Policy
- Performance Management Policy
- Anti-Discrimination and EEO Policy
- Bullying and Harassment Policy
- Sexual Harassment Policy

15 Document control

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March 2025	March 2025	N/A

16 Policy Version and Revision Information

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