

3.9 Managing Grievance Policy & Procedure

1. Policy Statement, Purpose, Method

The Value Care policy on staff Grievance Management is:

1. All Value Care staff must have access to an effective grievance management system that focuses on timely and appropriate management and resolution
2. Value Care grievance management system:
 - i. is flexible enough to allow grievances to be managed promptly and in a way appropriate to individual circumstances
 - ii. takes a common-sense approach with a focus on resolution and fairness
 - iii. ensures those managing grievances are competent to do so
 - iv. identifies the rights and responsibilities of all staff
 - v. maintains confidentiality and record keeping
 - vi. provides access to a review mechanism
 - vii. is consistent with the relevant industrial instruments

2. Procedure

It is the objective of this procedure to resolve grievances by negotiation and discussion. Value Care recognizes that from time to time individual employees may have grievances that need to be resolved in the interest of good relationships. An employee will have the right for grievances to be heard through all levels of management.

Grievance management should not be confused with performance management or the disciplinary process. A grievance is generated by the employee whereas the disciplinary process is generated by the employer.

Where a workplace grievance process uncovers matters of concern about an employee's conduct or performance, then it may be appropriate to trigger a disciplinary process. In this case, the grievance should still be worked through to completion whilst the other process occurs separately.

Every employee has a grievance procedure that applies to them in their relevant industrial instrument. This process is legally binding and must be followed.

2.1 Breach of procedure

An employee will be considered to have breached this Policy and Procedure by:

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- Not following the Policy and/or Procedure
- Making any public statements or making any statements to any parties not involved in the dispute or grievance
- If an employee is considered to have breached this Policy or Procedure, then disciplinary action, including the termination of the employee's employment may be taken on the basis of breach of a Policy and/or Procedure; breach of contract of employment by the employee; and on the basis of serious and willful misconduct as provided by the *Fair Work Act 2009* and as detailed within Value Care Disciplinary P&P

2.2 Confidentiality

Information relating to a grievance will only be provided on a 'need to know' basis and will not be provided to third parties. Those involved in the grievance have both the *right* to confidentiality, and the *responsibility* for maintaining confidentiality. This includes confidentiality of the identity of those involved, as well as the subject matter.

Any others involved in the grievance are entitled to and must be provided with enough information to allow an adequate response to the complaint. There would need to be a valid reason for others in the workplace not involved in the grievance to have access to any information on who is involved, or on the matters raised.

The respondent will need to know who raised the complaint, in order to be able to adequately respond to the matters raised.

Matters raised under grievance management that should trigger a disciplinary process

- Incidents of violence, or of a potentially criminal nature
- Bullying, harassment or discrimination
- Complaints from clients
- Allegations of serious misconduct, fraud, corruption, maladministration or substantial waste
- Child protection related matters
- Clinical negligence, malpractice or incompetence
- Poor performance of staff

2.3 Information gathering

Once a grievance is raised, the facts of the matter need to be determined. The purpose is to determine whether there is a reasonable basis for the complaint, and to help determine the most appropriate option/s for speedy resolution

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Information gathering must:

- Be undertaken fairly and impartially, by a competent person
- Maintain appropriate confidentiality
- Ensure that both parties are given full opportunity to have their say
- Include speaking to those identified as having information relevant to the grievance
- Focus on gaining all relevant information, with the objective of affecting a prompt and durable resolution of the matter/s
- Include appropriate documentation and records
- Ensure appropriate security of any related paperwork

Where a grievance is lodged against the manager, or the manager feels that they may not be able to be impartial or objective, or be seen to be impartial in assessing the grievance or seeking further information, the manager must refer the grievance to the Managing Director.

Where a grievance is lodged against a Director, Value Care will appoint an external Executive Manager to manage the grievance.

2.4 Options for grievance resolution

Options can be as varied as the issues raised, and can include:

Self Resolution - encouraging the complainant to try and resolve the issue him/herself in minor interpersonal matters.

Facilitation - encouraging/facilitating local resolution prior to moving to more formal management of the grievance in minor workplace matters.

Mediation - where self-resolution or facilitation is not appropriate or have not been successful.

Making minor administrative or work process changes e.g. where there is a perceived unfairness in work arrangements, or to address minor WH&S issues

Provision of information, education and training e.g. where a lack of knowledge of workplace policies and/or procedures, roles and responsibilities or cultural issues have led to/contributed to the grievance.

3. To whom does this policy apply?

This policy applies to all Value Care staff, regardless of level within the organisation.

4. Distribution of policy

All staff will be made aware of the policy at orientation / induction. The policy will be made available in the Human Resource Manual.

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5. Expected Outcome/s

- Training records show that 90% staff educated on how to follow the grievance management policy.
- Training records show that 100% managers have undergone grievance management training.

Document Information and Revision History {DIRH}

Document Title	<i>3.9 MANAGING GRIEVANCE – POLICY AND PROCEDURE</i>
Original Author(s)	I Thakkar
Current Revision Author(s)	I Thakkar HR staff

Revision History

Revision	Date	Author(s)	Notes
1			
2			
3			
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