



# GRIEVANCE POLICY

Reviewed: May 2020

Ratified: (Month Year)

Next Review:

## Rationale

Diocese of Ballarat Catholic Education Limited (DOBCEL) is committed to providing an environment, where all are treated with dignity and respect and communication takes place in an environment of transparency, respect, compassion, tolerance and inclusion.

From time to time misunderstandings and differences of opinion will occur, and that these need to be resolved satisfactorily in partnership with the stakeholders involved. Addressing such matters within a framework of dignity, respect and truth can provide powerful opportunities to model the love of Christ in the reality of our contemporary world. It is recognised that the best way of maintaining good working relationships, is to follow fair and equitable procedures for the resolution of grievances.

## Background

A robust grievance process provides information, creates opportunities for giving and receiving feedback and provides a valuable opportunity for reflection and learning. An effective process for resolving grievances, treats people fairly, is timely and provides those people involved with a fair opportunity to respond to issues and to present their views.

## Definitions

**Grievance:** a written expression of dissatisfaction with an action taken, decision made or service provided, or the failure to provide a service, take action or make a decision.

**Resolved:** a grievance is considered 'resolved' when the complainant and the school and/or CEOB agree on an appropriate response or remedy.

**Finalised:** a grievance is considered to be 'finalised' when the designated authority has made a final determination on the matter after exhausting the processes set out in this policy.

**Unresolved:** a grievance is considered to be 'unresolved' when agreement cannot be reached on a course of action and/or a remedy, or if the remedy cannot be implemented.

**Complainant:** the person lodging the grievance.

**Complaint:** a verbal expression of dissatisfaction which may not constitute a grievance.

**Conciliation:** a **confidential** process in which the parties to a dispute, with the assistance of a neutral third party (the conciliator) identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement.

**Minimum standards for school registration:** are the requirements/standards specified for all schools in the *Education and Training Reform Act 2006* (the Act) and the *Education and Training Reform Regulations 2007*.

**School** means a Catholic kindergarten, primary or secondary school operating within the Diocese of Ballarat.

## Principles

- The Principle of the ***Dignity of the human person*** acknowledges that every human being is created in the image and likeness of God and therefore has inherent dignity. No human being should have their dignity or freedom compromised.
- The Principle of ***Subsidiarity*** requires that all people have the right to participate in decisions that affect their lives. Subsidiarity requires that decisions are made by the people closest and most affected by the issues and concerns of the community.
- The Principle of ***Solidarity*** requires that everyone has an obligation to promote the rights and development of all peoples across the community.

## Policy

- All grievances will be investigated in a non-threatening, respectful manner and in a safe environment. Investigations into grievances will be undertaken in good faith and in accordance with the principles of natural justice.
- Wherever possible, attempts must be made to resolve a grievance as appropriate. Grievances should be escalated if there is no resolution.
- All grievances must be submitted in writing. In exceptional circumstances, a grievance may be provided verbally in the presence of at least one witness.
- Each grievance will be investigated by a delegated authority who is free from bias and conflict of interest.
- External assistance (i.e. support person) may be engaged to assist as appropriate. Support people engaged in the raising of a grievance or participating in the processes to resolve a grievance must be accommodated where appropriate.
- All matters relating to the grievance must be treated in confidence, and any disclosure other than in the context of seeking advice or assistance is prohibited.
- All grievances must be responded to in writing. Where a grievance is found to be vexatious or frivolous action may be taken.

## Key related documents

- DOBCEL Whistleblower Protection Policy and Procedures
- DOBCEL Grievance Procedures for Students of a DOBCEL School
- DOBCEL Grievance Procedures for Parents/Care Givers/Community Members of a DOBCEL School
- DOBCEL Grievance Procedures for Employees-School
- DOBCEL Grievance Procedures for Employees-CEOB
- DOBCEL Grievance Resolution Procedures for a DOBCEL School involving CEOB
- DOBCEL Grievance Resolution Procedures for a DOBCEL School
- DOBCEL Grievance Resolution Procedures for grievance concerning Director of Catholic Education
- DOBCEL Child Safe School Policy and Procedures
- DOBCEL Safeguarding Reporting Obligations Policy and Procedures

## Related legislation

The relevant legislative and regulatory framework for this policy includes:

- Education and Training Reform Act 2006 (Vic.)
- Education and Training Reform Regulations 2017 (Vic.)
- Charter of Human Rights and Responsibilities Act 2006 (Vic.)
- Protected Disclosure Act 2012 (Vic.)
- Privacy Act 1988 (Cth)
- Crimes Act 1958 (Vic.)
- Equal Opportunity Act 2010 (Vic.)
- Wrongs Act 1958 (Vic.)
- Disability Discrimination Act 1992 (Cth)
- Disability Standards for Education 2005 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Migration Act 1958 (Cth).