

## STAFF GRIEVANCE POLICY

Effective from	June 2019
Approved by	The Principal
Policy Owner	The Principal
Policy Administrator	Heads of School
Application	All Staff
Last review date	March 2025
Next review date	March 2027
Version	2.0
Published externally	Yes
Related Documents	Industrial Relations Act 1996 AISNSW Independent Schools (Teachers) Cooperative Multi-Enterprise Agreement 2025 AISNSW Independent Schools (Professional and Operational Staff) Cooperative Multi-Enterprise Agreement 2025 Bullying, Discrimination & Harassment Policy Staff Grievance Policy Protocol (Shortland School) Staff Grievance Policy Protocol (Tuncurry School)
File/Functional reference	Corporate
NESA reference	B3 Staff, B8 Safe and Supportive Environment

*Margaret Jurd College provides an alternative education setting dedicated to supporting young people who find mainstream schooling challenging.*

*Our schools are each designed to meet the needs of students requiring tailored support:*

### ***Special Schools***

*Our Special Schools (Shortland and associated campuses) provide specialised support for students who:*

- *Live with diagnosed mental health conditions and associated challenging behaviours as defined by the Department of Education and Training;*
- *Have histories of complex trauma; or*
- *Have Autism Spectrum Disorder (ASD).*

### ***Special Assistance Schools***

*Our Special Assistance Schools (Tuncurry and associated campuses) provide targeted support for students who:*

- *Live with mental health conditions and associated challenging behaviours.*

### ***Our Commitment***

*The College is committed to delivering education that is trauma-informed, inclusive, and individually responsive, ensuring every student has the opportunity to complete their secondary schooling with dignity and support..*

## **1 Purpose**

The purpose of this policy is to provide a fair, transparent, and consistent process for addressing workplace grievances at Margaret Jurd College (the College). It aims to ensure that all employees have a mechanism to raise concerns or complaints related to their employment in a supportive and respectful environment, fostering a positive workplace culture and maintaining trust between employees and management.

## **2 Scope**

This policy applies to all employees, including full-time, part-time, temporary, and contract staff (collectively, staff). It covers grievances related to workplace issues such as, but not limited to:

- Interpersonal conflicts
- Harassment, discrimination, or bullying
- Unfair treatment or decisions
- Breaches of employment terms or conditions
- Health, safety, or welfare concerns
- Any other workplace-related matter affecting an employee's wellbeing or performance.

This policy does not cover grievances related to academic matters, student concerns, or issues already addressed under other specific policies (eg, disciplinary procedures, whistleblowing, or redundancy processes).

## **3 Policy Statement**

Margaret Jurd College is committed to maintaining a workplace where employees feel valued, respected, and heard. The College recognises that grievances may arise from time to time and is dedicated to resolving them promptly, fairly, and confidentially. Employees are encouraged to raise concerns without fear of retaliation, victimisation, or prejudice.

The College will ensure that all grievances are handled in accordance with the principles of natural justice, including the right to be heard, and the right to a fair and impartial process. Every effort will be made to resolve grievances at the earliest possible stage, through informal resolution where appropriate. Where informal resolution is not possible, a formal grievance procedure will be followed.

## **4 Application of Policy**

### **Informal Resolution**

- 4.1 Employees are encouraged to resolve grievances informally where possible. This may involve discussing the issue directly with the relevant individual(s) in a professional and respectful manner or by seeking assistance from a supervisor, manager, or HR representative to mediate the situation.
- 4.2 A mediation discussion may help clarify concerns and facilitate a mutually agreeable solution. Employees who feel they need assistance with informal discussions should seek guidance from their direct supervisor or, if this is not appropriate, their Head of School.
- 4.3 If the grievance is resolved informally, no further action will be required, but a brief record may be kept for reference.
- 4.4 If informal resolution is unsuccessful or inappropriate, the employee may proceed to the formal grievance process.
- 4.5 It is important to note that a casual reference to an issue of concern or a potential grievance made in passing (eg, during a hallway discussion) does not constitute the submission of an official grievance

under this policy. If guidance is needed on engaging in the grievance process, employees should speak with their direct supervisor or, if necessary, their Head of School.

### **Formal Grievance Procedure**

- 4.6 If the grievance cannot be resolved informally, the employee may submit a formal grievance in writing to their line manager or HR department. The written grievance should include details of the issue, relevant dates, and any supporting evidence.
- 4.7 The grievance should be submitted as soon as possible after the issue arises.
- 4.8 The College will acknowledge receipt of the grievance in a reasonable timeframe and initiate an investigation. The investigation will be conducted by an impartial individual or panel, which may involve interviewing relevant parties and reviewing documentation. The employee will have the opportunity to present their case.
- 4.9 Management will strive to resolve grievances as soon as practicable while ensuring a thorough and timely process. A written response, including the outcome of the investigation and any actions to be taken, will be provided to the employee.

### **Support Person**

- 4.10 Employees raising a grievance are entitled to bring a support person to any meetings or discussions related to the grievance process. The support person may be a colleague, union representative, or other trusted individual.
- 4.11 The role of the support person is to provide emotional support and act as an observer. They are not permitted to actively participate in the grievance process, including speaking on behalf of the employee, asking questions, or providing evidence. Their presence is to assist the employee in feeling comfortable and supported but must not interfere with the process or attempt to influence the outcome in any way.
- 4.12 If a union representative is acting as a support person, they must adhere to the limitations of the support person role. If they wish to advocate on behalf of the employee (eg, by speaking or negotiating during the grievance process), they must formally declare their intention to do so before the meeting begins. Advocacy by a union representative is typically reserved for disciplinary matters and is not an automatic part of the grievance resolution process.
- 4.13 Should a union representative assume an advocacy role without prior declaration, the meeting may be paused, and a disciplinary process may be initiated where necessary to address procedural misconduct or other misconduct stemming from the circumstances.
- 4.14 If the support person disrupts the process or attempts to participate inappropriately, they may be asked to leave the meeting, and the process will continue without them or be momentarily paused until a replacement support person is able to step in to continue the meeting.
- 4.15 Repeated or persistent attempts to disrupt, delay, or frustrate the grievance process – by either the employee or the support person, may result in the process continuing in their absence or the grievance being determined based on the available information.

### **Confidentiality and Record-Keeping**

- 4.16 All grievances will be handled confidentially, with information shared only on a need-to-know basis.
- 4.17 Breaches of confidentiality will be dealt with seriously.
- 4.18 Records of grievances, investigations, and outcomes will be maintained in accordance with data protection laws and College policies.

### **Non-Victimisation**

- 4.19 The College will not tolerate any form of victimisation or reprisal against employees who raise grievances in good faith.
- 4.20 Any instances of victimisation will be dealt with promptly and effectively.

## **Vexatious Complaints**

- 4.21 A vexatious complaint is one that is frivolous, malicious, or intended to harass or annoy another person. If a complaint is deemed vexatious, the company may take appropriate action, which may include dismissing the complaint, issuing a formal warning, or taking disciplinary action against the complainant.
- 4.22 The determination of a vexatious complaint will be made after a fair and thorough investigation.

## **Policy Review**

- 4.23 This policy will be reviewed periodically to ensure it remains effective, fair, and compliant with relevant legislation and best practices.

## **Variation**

- 4.24 The College reserves the right to vary, replace or terminate this policy from time to time.

## **5 Policy Administration**

- 5.1 Related Documents

*Nil.*

- 5.2 Definitions, Acronyms & Abbreviations

<b>Workplace Grievance</b>	Any type of problem, concern or complaint related to an employee's work or the work environment.
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**[Attachments .... /over]**

*[This protocol is to be followed in accordance with the Staff Grievance Policy.]*

## All Staff

### 1. Informal Resolution

Who	What	When
A Staff member who has reported a Grievance	Resolve a grievance informally by discussing the issue directly with the relevant staff member.	If possible.
A Staff member who has reported a grievance	Seek guidance from direct supervisor if a mediation discussion is required.	If an informal conversation is not possible or does not resolve the issue.
A mediator (i.e. Direct Report or Supervisor) is required to be present.	Keep a record of the grievance being solved informally.	If required.
Staff member with a grievance	Proceed to the formal grievance stage.	If the informal procedure does not solve the grievance.

### 2. Formal Grievance Procedure

Who	What	When
All Staff	Submit a formal grievance in writing to Manager or the HR Department	Should a formal grievance be required.
Management / HR Department	Acknowledge receipt of grievance in writing and initiate an investigation.	In a reasonable timeframe from receipt of the formal grievance
Management / HR Department	Aim to resolve the grievance as soon as practicable ensuring a thorough and timely process	Once the formal grievance process has been initiated
Management / HR Department	Provide a response in writing outlining the outcome of the grievance and any actions taken to those involved.	Once the formal grievance process has been complete

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