



GRIFFITH COLLEGE

GRIEVANCE PROCEDURE

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1 POLICY STATEMENT

Griffith College wishes to provide an orderly, timely, fair and consistent method for the resolution of staff member grievances. This grievance policy provides a mechanism through which staff members may seek to resolve issues of concern to them.

2 GENERAL PROVISIONS

- 2.1 References in this policy to a **“complainant”** are to a person who make a complaint or allegations against another person.
- 2.2 References in this policy to a **“respondent”** are to a person against whom a complaint or allegation(s) have been made by a complainant.
- 2.3 The staff member should raise complaints on an informal basis, in the first instance, before invoking the formal grievance procedure.
- 2.4 Every effort will be made to address complaints quickly, fairly and at an appropriate level at which the matter can be resolved.
- 2.5 A staff member will not be penalised in any way for making a complaint in good faith regardless of whether or not the complaint is upheld. However, the disciplinary procedure shall be invoked should it be found that the complaint was made vexatiously or maliciously.
- 2.6 The grievance meeting is not the occasion to raise shortcomings in the staff member’s work standards, conduct or attendance.
- 2.7 The grievance meeting is not the occasion to discuss the conduct of other members of staff other than those referred to in the complaint.
- 2.8 All decisions made shall be made in a fair and impartial manner and in accordance with the principles of natural justice and relevant legislation. The decision maker will take into account the issues concerned, the representations made by the parties and the statements (if any) of witnesses and any other relevant or appropriate evidence, factors or circumstances.



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- 2.9 Any staff member participating in the formal process (i) may be accompanied by a work colleague at any Stage of the grievance procedure and by another representative at Stage IV of the process (ii) shall be entitled to see the complaints, response to the complaint and any witness statement and (iii) shall be entitled to cross examine the other party and any witnesses.
- 2.10 The staff member should determine whether or not they believe that the College's Dignity and Respect at Work Policy may apply to the relevant complaint. If so, the staff member should first consult with a member of the HR Department as the process to be followed is different to the process set out in this policy. Whether or not the staff member consulted with a member of the HR Department, the HR Department may ask the staff member to confirm that they do not wish to make a complaint under the College's Dignity and Respect at Work Policy. The HR Department (acting reasonably) may determine that it is more appropriate for the complaint to be dealt with in whole or in part under the College's Dignity and Respect at Work Policy.
- 2.11 The College (acting through the HR Department) may at its discretion (acting reasonable) determine that it is more appropriate for a member of the HR Department or another member of the College's management to carry out a formal investigation of the relevant complaints as part of any stage in the formal process. The terms of reference for the investigation will be communicated and, to the extent possible, agreed with both the complainant(s) and the respondent(s).
- 2.12 The College (acting through the HR Department) may at its discretion (acting reasonably) determine that it is more appropriate for an internal or external mediator be appointed to seek to resolve the issues giving rise to the complaint(s) made by the complainant.
- 2.13 Confidentiality must be observed in matters connected with any complaint, allegations, investigation, mediation, informal process, formal process and their respective outcomes in so far as practical. The processes being followed under this policy are confidential internal College processes and for those participants who are employees of the College, the confidentiality obligations contained in their respective Contracts of Employment and the College's Confidentiality Policy shall apply. Participants who are not staff members or otherwise subject to the College's Confidentiality Policy, including representatives, may be required to agree to be bound by a confidentiality agreement in order to protect the confidentiality of the relevant process. If the College is not reasonably satisfied that confidentiality will be maintained by a representative, the College may request that another person be appointed as a representative. This confidentiality extends after conclusion of an informal process, investigation, mediation or formal process. Any persons (i.e. complainant,



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respondent, witness(s), investigator(s), other staff involved) found to be in breach of confidentiality will be dealt with through the Disciplinary Procedure.

3 PRE-PROCEDURE – Informal discussion

Informal discussions between the line manager and the staff member can often resolve complaints. Before invoking the grievance procedure, the staff member should raise the matter informally with their manager. If the complaint involves the line manager then the staff member should discuss the matter informally with another manager of the same level, or the Director in charge of the area/Department.

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If a staff member has a grievance regarding any aspect of their employment, working environment or working relationships and the matter has not been resolved satisfactorily through informal discussions, they should raise a formal complaint under the grievance procedure.

The Stages of the Grievance Procedure are:

Stage I:

The staff member should refer the complaint in writing to their immediate manager. A meeting will be arranged to discuss the matter and the staff member will be advised that they may be accompanied by a work colleague. A note-taker will also attend the meeting. If the complaint is against another staff member the manager will meet with that person, who may be accompanied by a work colleague, to give them an opportunity to state their side. Witnesses may also be interviewed, if appropriate. Following this procedure, the manager will be in a position to convey the decision in writing to the complainant. Copies of the documentation will be filed in the HR Department. Where the problem relates to an instruction issued by a manager, the staff member is obliged to inform the manager that they are carrying out the instruction under protest pending a meeting.

Stage II:

Should the matter remain unresolved after Stage I, the staff member may refer the complaint to their Head of Faculty/Department. A meeting will be arranged to discuss the matter and the staff member will be advised that they may be accompanied by a work colleague. A note-taker will also attend the meeting. If the complaint is against another staff member the Head of



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Faculty/Department will meet with that person, who may be accompanied by a work colleague, to give them an opportunity to state their side. Witnesses may also be interviewed, if appropriate. Following this procedure, the Head of Faculty/Department will be in a position to convey the decision in writing to the complainant. Copies of the documentation will be filed in the HR Department.

Stage III:

Should the matter remain unresolved after Stage II, the staff member may refer the complaint in writing to the HR Manager. A meeting will be arranged to discuss the matter and the staff member will be advised that they may be accompanied by a work colleague. A note-taker will also attend the meeting. If the complaint is against another staff member the HR representative will meet with that person, who may be accompanied by a work colleague, to give them an opportunity to state their side. Witnesses may also be interviewed, if appropriate. Following this procedure, the HR representative will be in a position to convey the decision in writing to the complainant. Copies of the documentation will be filed in the HR Department.

Stage IV:

If the matter remains unresolved after Stage III, the staff member may then refer the issue in writing to the President of the College. A meeting will be arranged to discuss the matter and the staff member will be advised that they may be accompanied by a work colleague or a family member. A note-taker will also attend the meeting. If the complaint is against another staff member the manager will meet with that person, who may be accompanied by a work colleague or another representative, to give them an opportunity to state their side. Witnesses may also be interviewed, if appropriate. Following this procedure, the President will be in a position to convey the decision in writing to the complainant. Copies of the documentation will be filed in the HR Department.

5 GUIDELINE NOTE:

At each meeting any staff member involved in the grievance procedure will be asked a series of questions designed to ensure that all previous stages in the appeal procedure have been responded to and that the staff member is fully aware of and understands their rights. In normal circumstances all previous stages in the formal procedure must be implemented before the meeting can be held. The staff member is then asked to sign a form recording their answers to these questions. If the answer is 'yes' to all questions the matter can be addressed at that stage. Otherwise the staff member will be directed to the appropriate stage of the procedure. The forms contained in Appendices I & II also give guidance as to what course of action will be appropriate if the answer is 'no'. The questions and forms are divided into two appendices as a different set of questions applies to a complainant (Appendix I) as opposed to the respondent (Appendix II)



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6 REVIEW OF POLICY

The College reserves the right to review, update, amend, replace or delete this policy. The policy will be reviewed on an ongoing basis and it is the responsibility of each staff member to ensure that they keep themselves up to date.



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APPENDIX I

QUESTIONS TO BE ASKED AT THE BEGINNING OF THE MEETING OF ALL STAFF MEMBERS INVOLVED IN A COMPLAINT UNDER THE GRIEVANCE PROCEDURE

(FORM TO BE SIGNED BY THE STAFF MEMBER MAKING THE COMPLAINT)

At each meeting the staff member will be asked the following questions. If the answer is 'yes' to all questions the matter can be then addressed otherwise the staff member will be directed to the appropriate Stage of the Grievance Procedure. In normal circumstances all previous Stages in the procedure prior to the one currently under way must have been implemented before the meeting can be held.

Do you have a copy of the Griffith College Grievance Policy and Procedure?

Yes ___ No ___

If the answer is no, the meeting should be adjourned to arrange for the staff member to receive a copy

Have you read and understood the Grievance Procedure and your rights under that Procedure, including those set out in Section 2 (General Provisions)?

Yes ___ No ___

If the answer is no, the meeting should be paused or adjourned to explain the procedure.

Have you raised this matter informally with your manager/another manager?

Yes ___ No ___

If the answer is no the meeting should be paused and the staff member encouraged to follow the 'pre-procedure' Stage as outlined in the policy.



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Have you used the immediate previous step of the Grievance Procedure?

Yes ___ No ___

If the answer is no the meeting should be closed and the staff member advised to follow all previous stages of the policy.

Are you aware you may be accompanied at this meeting by a work colleague (or, at Stage IV) another representative?

Yes ___ No ___

If the answer is no, the meeting should be adjourned to allow the staff member an opportunity to decide if they wish to be accompanied at the meeting by a work- colleague or not.

Are you aware that if you are not happy with the outcome of this meeting you can go to the next Stage of the Grievance Procedure?

Yes ___ No ___

If the answer is no the staff member should be advised of the next stage in the grievance procedure.

Comments: _____

Indicate which stage of the Grievance Procedure is currently under way:

Stage I ___ Stage II ___ Stage III ___ Stage IV ___

Date of meeting:

Signed: Complainant



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APPENDIX II

**QUESTIONS TO BE ASKED AT THE BEGINNING OF THE MEETING OF
STAFF MEMBERS COMPLAINED OF UNDER THE GRIEVANCE PROCEDURE
(FORM TO BE SIGNED BY THE STAFF MEMBER COMPLAINED OF)**

Do you have a copy of the Griffith College Grievance Policy and Procedure?

Yes ___ No ___

If the answer is no, the meeting should be adjourned to arrange for the staff member to receive a copy

Have you read and understood the Grievance Procedure and your rights under that Procedure, including those set out in Section 2 (General Provisions)?

Yes ___ No ___

If the answer is no, the meeting should be adjourned to explain the procedure.

Are you fully aware of the complaint made against you?

Yes ___ No ___

If the answer is no the meeting should be adjourned to allow the staff member an opportunity to view or hear the complaint made against them and any witness statements. At stages II, III and IV the complaint



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should be in writing.

Have you seen and heard the evidence put forward by the complainant?

Yes ___ No ___

If the answer is no the meeting should be adjourned to allow the staff member an opportunity to view and hear the evidence

Are you satisfied that you have been afforded a full opportunity to challenge the evidence put forward by the complainant?

Yes ___ No ___

If the answer is no the person complained of must have recited to them the verbal evidence of the complainant or have sight of any written evidence. The chair of the meeting should ask the person complained of if they require an adjournment of the meeting to view and hear the evidence put forward by the complainant and to facilitate a full opportunity to challenge the evidence.

Are you aware you may be accompanied at this meeting by a work colleague (or, at Stage IV) another representative?

Yes ___ No ___

If the answer is no the meeting should be adjourned to allow the staff member an opportunity to decide if they wishes to be accompanied at the meeting by a work- colleague or not.



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Are you aware that if you are not happy with the outcome of this meeting you can go to the next Stage of the Grievance Procedure?

Yes ___ No ___

If the answer is no the staff member should be advised of the next stage in the grievance procedure.

Comments: _____

Stages II and III only

Have you seen the written complaint put forward by the complainant?

Yes ___ No ___

If the answer is no the meeting should be adjourned to allow the staff member an opportunity to read the complaint made against them and to view and hear the evidence to facilitate a full opportunity to challenge the evidence put forward by the complainant.

Comments: _____

Date of meeting:

Signed: Person complained of