

## Appendix D: Managing a Formal Grievance

Information outlined below details suggested elements related to undertaking a formal grievance resolution process for principals, line managers or delegate. It is important to ensure the grievance resolution process is conducted without unnecessary delay to minimise potential for harm and ongoing conflict.

An assessment report will be based on information gathered and decisions made throughout each stage of the process.

The Grievance Framework generic template letters are available in Appendix E. The letters support principals and line managers communicate key aspects of the resolution process.

### Grievance notifications and assessment

<p><b>Acknowledge grievance</b></p>	<ul style="list-style-type: none"> <li>Promptly acknowledge receipt of grievance. Letter: <a href="#">Advising formal grievance received, future interview to discuss grievance</a></li> </ul>
<p><b>Grievance context and background</b></p>	<ul style="list-style-type: none"> <li>Check any relevant background or contextual information related to the grievance and the potential bearing on the grievance assessment process.</li> <li>Identify any conflict/s of interest, existing or perceived, that may affect the management of the grievance. These may need to be discussed with the superordinate, with issues addressed, to ensure procedural fairness.</li> </ul>
<p><b>Grievance appraisal</b></p>	<p><b>Clarify grievance</b></p> <ul style="list-style-type: none"> <li>Identify any legislative, policy or industrial aspects that may apply to the grievance; e.g. <a href="#">Equal Opportunity Act 1984</a>, <a href="#">Bullying in the Workplace Policy</a>.</li> <li>Seek further information, where relevant, to clarify issues/concerns raised in the grievance. This may include a discussion with the complainant or policy clarification from Workforce Policy and Coordination Directorate, 9264 5081.</li> <li>If the grievance involves potential misconduct, discussion and/or referral to the Standards and Integrity Directorate may need to occur, 1800 655 985.</li> </ul> <p><b>Plan assessment approach</b></p> <ul style="list-style-type: none"> <li>Establish an approach to the assessment; including how the process will be conducted, by whom and a completion timeframe. This will depend on the nature and complexity of the grievance.</li> <li>The person undertaking an assessment process needs to understand:             <ul style="list-style-type: none"> <li>their role (if assessment is delegated);</li> <li>the scope of the assessment required; and</li> <li>how to undertake the process, applying procedural fairness and consideration of relevant policy and/or legislation.</li> </ul> </li> <li>Consider whether any temporary alternative work arrangements are required during the process of assessing the grievance to minimise potential conflict and/or risk. Contact Employee Relations Directorate, 9264 4921.</li> <li>Consider whether the nature of the grievance and related assessment process impacts on other individuals in the workplace. Strategies may need to be implemented to ensure minimal impact on workplace culture and operations and, where necessary, support provided.</li> </ul>

	<p><b>Record and store information appropriately</b></p> <ul style="list-style-type: none"> <li>• Set up a record keeping system to ensure comprehensive records of the assessment process are maintained. Records may include: <ul style="list-style-type: none"> <li>– information about how the process is undertaken;</li> <li>– discussions, phone calls, emails and correspondence;</li> <li>– interview records/notes and documents submitted by parties involved;</li> <li>– advice sought and received;</li> <li>– actions undertaken during the assessment process;</li> <li>– strategies put in place during the assessment process (e.g. support, alternative reporting arrangements);</li> <li>– observations, decisions and conclusions made during the course of the assessment.</li> </ul> </li> <li>• Store information securely to prevent unauthorised access and to maintain confidentiality.</li> </ul>
<p><b>Notify respondent</b></p>	<ul style="list-style-type: none"> <li>• Notify the respondent of the grievance. This can be verbally undertaken in the first instance, followed by a letter:  <a href="#">Letter: Advising formal grievance received, interview or written response to grievance required</a></li> </ul>
<p><b>Inform all parties to grievance</b></p>	<ul style="list-style-type: none"> <li>• At the commencement of the grievance resolution process all parties need to be informed of the process being undertaken.</li> </ul>

**Obtain evidence and information**

<p><b>Plan and conduct interviews</b></p> <p><b>Locate relevant information</b></p>	<ul style="list-style-type: none"> <li>• Determine who will be interviewed. The rationale for interviewing individuals needs to be documented.</li> <li>• Notify individuals via a letter/email.  <a href="#">Letter: Complainant Scheduling interview</a>  <a href="#">Letter: Respondent Scheduling interview</a></li> <li>• Where the respondent declines an interview, request a written response. Provide sufficient time for the response, depending on the nature/complexity of the grievance.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>• Prepare interview focus areas related to the issues within the grievance. Interviews should include: <ul style="list-style-type: none"> <li>– relevant parties to the grievance; and</li> <li>– other individuals able to validate information, if required.</li> </ul> </li> <li>• Establish an interview structure to ensure coverage of information and to keep interviews on track; e.g. introductory comments, acknowledging individuals present (e.g. support person), referring to the Department’s Employee Assistance Program, policy relevant to the grievance.</li> <li>• Conduct interviews, documenting key information. An executive officer may be useful to take notes, depending on the nature of the grievance and interview process.</li> <li>• Further interviews may be needed with the parties or new individuals identified during the interview process to follow-up or verify information.</li> <li>• Any conflicting and/or new information central to the resolution of the grievance should be put to the respondent in order that they have a reply to that information.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Every effort should be made to interview individuals that could inform the assessment. If this is not possible, interview attempts and/or reasons for not conducting an interview need to be documented.</li> <li>• Confirm individual interview records with each party to ensure key relevant information is correctly captured. Confirmation can be by an individual signing interview notes or via email response.</li> </ul>
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## Compiling and evaluating information

<b>Assess information</b>	<ul style="list-style-type: none"> <li>• Ensure all relevant information is collected to inform decision-making. It is useful to summarise the information, aligning it to the grievance elements, and if there are gaps, further information can be sought.</li> <li>• Analyse information and consider to what extent the grievance is valid and/or substantiated and what information/evidence confirms this or not.</li> </ul>
<b>Findings</b>	<ul style="list-style-type: none"> <li>• Findings draw together the analysis of information and/or evidence to determine outcomes. There needs to be a logical link between information/evidence gathered and findings.</li> <li>• Findings should focus on each allegation/issue and whether they are: <ul style="list-style-type: none"> <li>– substantiated (supported by evidence/information)</li> <li>– not substantiated (based on evidence/information or if there is none)</li> <li>– inconclusive (there is some evidence/information, but not sufficient to make a conclusion).</li> </ul> </li> </ul>
<b>Consider outcomes</b>	<ul style="list-style-type: none"> <li>• Outcomes relate to any actions proposed as a result of findings.</li> <li>• If the findings are of serious nature, outcomes may include recommendations warranting discussion/further action/referral to another area of the Department. This should be discussed with the principal's or line manager's superordinate.</li> </ul>

## Prepare the assessment report

<b>Assessment report</b>	<ul style="list-style-type: none"> <li>• The assessment report sets out: <ul style="list-style-type: none"> <li>– the grievance;</li> <li>– how the assessment process was conducted;</li> <li>– relevant facts, information and evidence;</li> <li>– a summary and analysis of information;</li> <li>– findings made; and</li> <li>– outcomes and/or recommendations.</li> </ul> </li> <li>• The report may be read by different parties and may be subject to external review. It needs to be transparent and capable of review.</li> <li>• Quality assure the report ensuring: <ul style="list-style-type: none"> <li>– all aspects of the assessment process are detailed;</li> <li>– information in the report relates to the issues raised in the grievance;</li> <li>– information is accurate and validated, if possible;</li> <li>– the findings are based on information and evidence collected throughout the process;</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>– the report is free from bias, commentary or information unrelated to the grievance;</li> <li>– reference is made to any relevant legislation, policy or other frameworks applied during the process; and</li> <li>– documentation is referenced and attached.</li> </ul> <ul style="list-style-type: none"> <li>• If the report is lengthy and complex, an executive summary may be useful.</li> </ul>
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## Communicate findings and implement outcomes and recommendations

<b>Communicate findings</b>	<ul style="list-style-type: none"> <li>• Communicate findings to the complainant and respondent. This can be verbally communicated, followed by a letter:  <a href="#">Letter: Complainant Advising of findings of formal assessment and outcome</a>  <a href="#">Letter: Respondent Advising of findings of formal assessment and outcome</a></li> </ul>
<b>Implement outcomes or recommendations</b>	<ul style="list-style-type: none"> <li>• Determine how the outcomes or recommendations will be implemented, establishing a process and timeframe for this to occur.</li> <li>• Set up relevant support for individuals involved and appropriate monitoring and follow-up.</li> </ul>
<b>Formal mediation</b>	<ul style="list-style-type: none"> <li>• Formal mediation may be conducted by the principal or line manager or outsourced.</li> </ul>