



**Department of
Education**

Grievance framework

Effective date: 1 February 2017

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1. Framework

1.1 Introduction

All employees have a responsibility to maintain positive and respectful work relationships and contribute to equitable and inclusive schools and workplaces. Employees are encouraged to cooperate to resolve grievances and conflicts in a professional manner, at the earliest opportunity, directly with the person concerned, or with line manager assistance where this is not possible.

Principals and line managers should develop a workplace culture where employees are able to raise issues, concerns and grievances and have them addressed as soon as practicable, using fair and equitable processes.

1.2 Purpose

This framework outlines:

- grievance resolution options available to employees
- informal and formal grievance resolution processes
- responsibilities of employees, principals and line managers
- resources, professional learning and support for employees, principals and line managers or delegate.

1.3 Scope

This framework applies to all staff and all grievances that are not excluded under Appendix A.

Grievances under this framework typically involve:

- conflict between employees
- staff behaviour
- workplace decisions, processes or practices.

As all industrial Awards and Agreements (staff only) are required to have a clause detailing a Dispute Settlement Procedure, employees should in the first instance view the clause in their Award and/or Agreement to determine if it applies to the grievance.

1.4 Compliance requirements

Grievance resolution processes under this framework must comply with procedural fairness, legislative and public sector requirements.

1.5 Grievance resolution standard

The Public Sector Grievance Resolution Standard:

"The minimum standard of merit, equity and probity is met for grievance resolution if:

- employees are informed of their rights and responsibilities in the grievance resolution process
- the process is based on a proper consideration of the facts and circumstances prevailing at the time of the grievance
- decisions are impartial, transparent and capable of review."

1.6 Confidentiality

All employees are required to maintain confidentiality in relation to a grievance, with information kept in trust and divulged to those involved in the grievance process. This does not prevent employees from seeking advice or discussing the matter with a support person or counsellor.

1.7 Employee responsibilities

- Be informed about relevant policies and identify the type of grievance or issue and related resolution options (see Appendix A).
- At the earliest opportunity, attempt informal resolution with the employee/s concerned, where possible and appropriate.
- Participate in grievance resolution processes and comply with Resolution agreements or Resolution decisions.

- Refrain from making false, vexatious or frivolous grievances or victimising any parties related to a grievance.
- Seek support as required (see Contact Information).

1.8 Principal and line manager responsibilities

Principals and line managers:

- manage employee grievance or declare a conflict of interest/bias and refer the grievance to an appropriate person
- ensure grievance management processes are procedurally fair and comply with the Grievance Resolution Standard
- inform employees of support services and grievance resolution information, including the Grievance Resolution Standard, at induction and regular intervals
- use professional learning and performance management to assist staff to:
 - contribute to a positive workplace culture
 - promptly manage interpersonal conflicts in the workplace
 - monitor the workplace to ensure conflict and potential staff issues and concerns are effectively addressed and high standards of conduct are demonstrated
- report staff conduct in accordance with the Complaints and notifications categorisation schedule to the Standards and Integrity Directorate
- are informed about considerations related to employees from equity groups who may require support to raise or address issues or concerns (refer to access cultural awareness resources on Ikon).
- may delegate the assessment of a grievance but retain responsibility for the process undertaken and related resolution decisions.

1.9 Mandatory notification of the grievance resolution Standard

At the conclusion of a formal grievance resolution process with a Reviewable Decision, the principal or line manager must inform complainants and respondents in writing:

- that a breach claim (staff only) may be lodged if an employee considers the formal grievance resolution process breached the Grievance Resolution Standard and they have been adversely affected by the breach

- how to lodge a breach claim and the lodgement date (10 full working days (to midnight) after the employee receives notification of the decision).

Email claims during the breach period to WorkforcePolicy.breachclaim@education.wa.edu.au

The formal grievance resolution process is reviewed, not the grievance itself.

Unresolved breach claims

Breach claims under the Grievance Resolution Standard that have not been resolved by agreement or withdrawn during the agency resolution period, may be referred by the claimant or their union to the Western Australian Industrial Relations Commission (WAIRC).

The WAIRC requires claimants to refer unresolved claims within 28 days from the end of the agency resolution period. The WAIRC may accept a referral outside this time limitation. Refer to the WAIRC [Application to refer breach of public sector standards claim](#) and [Form 24](#).

[See [Managing a Breach of a Public Sector Standard Claim policy and framework](#).]

1.10 Record management

Principals, line managers or delegate need to keep records that detail the grievance resolution process undertaken.

Documentation

- of unsubstantiated grievances should not be attached to employees' personnel files
- is kept on confidential files
 - 2 years after the action has been completed for informal grievances
 - 7 years after the action has been completed for formal grievances.

Informal Grievances

An informal grievance may only require diary notes of discussions with employees concerned and any Resolution agreement, Resolution decision or outcome. As an informal grievance may escalate into a formal grievance, this information may become part of the formal grievance and be viewed by other parties.

Formal Grievances

A formal grievance requires comprehensive documentation to be kept related to the process undertaken and any relevant supporting information and evidence.

1.11 Grievance resolution processes

A flowchart outlining the grievance resolution options and process is available in Appendix B.

In determining whether to resolve a grievance informally or formally, the complainant should consider the following information.

1.12 Informal grievance resolution

Informal resolution is the preferred method for resolving grievances, where appropriate.

Informal resolution provides a forum where:

- issues and concerns can be raised and promptly addressed with minimal formalities
- parties can gain an understanding of each other's perspective
- issues can be addressed before they escalate
- employees may find agreement, where possible, to resolve the issues
- actions to prevent and resolve future conflicts can be established.

Informal options can include the complainant:

- documenting incident/s or issue/s
- discussing grievance with the other party to gain an understanding of their perspective
- requesting the principal/line manager takes action to resolve the matter (or where the principal or line manager is the subject of the grievance, refer the grievance to the principal's or line manager's superordinate). A Resolution agreement or Resolution decision should be documented and provided to all parties.

Appendix C outlines a suggested process for principals and line managers in managing informal grievances.

1.13 Formal grievance resolution

A formal grievance may be appropriate where:

- informal resolution is not suitable or
- the grievance has not been resolved informally.

Formal options include, the complainant lodging a grievance with:

- the principal or line manager (or superordinate where the principal or line manager is the subject of the grievance or has a conflict of interest)*
- superordinate of the principal or line manager, if the complainant or respondent considers the grievance has not been adequately resolved* or
- an external agency. The type of grievance will usually determine with which agency a complaint may be lodged (eg Equal Opportunity Commission or Australian Human Rights Commission for grievances relating to discrimination and harassment).
- Some external agencies may require staff attempt to resolve the matter through the employer's grievance resolution processes before a complaint will be accepted.
- Information about lodging a complaint is provided on agencies' websites.

Appendix D outlines a suggested process for principals and line managers in managing formal grievances.

*For breach claim notifications, refer to section 1.9.

1.14 Where grievance is not resolved

Where behavioural matters have not been resolved or the Resolution agreement or Resolution decision is not complied with, further action is required by the principal or line manager. The course of action will be informed by the nature of the matter and the action undertaken to date, and may involve issuing a formal directive (contact Employee Relations before issuing a formal directive 9264 4921).

If further facts are identified that suggest misconduct or the respondent victimises the complainant, the principal or line manager should consult with the Standards and Integrity Directorate 1800 655 985.

1.15 Related Policies

[Bullying in the Workplace policy](#)

[Equal Opportunity, Discrimination and Harassment policy](#)

Employee Performance policy

Managing Breach of Public Sector Standard Claims policy

Records Management policy

Staff Conduct and Discipline policy

1.16 Related Documents

Code of Conduct and Standards (staff only)

Commissioner's Instruction 40: Ethical Foundations

Complaints and Notifications Categorisation Schedule - Standards and Integrity Directorate

Managing Workplace Behaviour A Guide for Agencies - Public Sector Commission

Prevention of Workplace Bullying in the WA Public Sector - Public Sector Commission

Procedural Fairness - Ombudsman WA

Public Sector Grievance Resolution Standard

2. Definitions

Agency resolution period

The period for a public sector body to resolve the claim with the claimant is 21 calendar days, commencing the day after the claim was lodged

Complainant

A person who has made a grievance.

Informal grievance

An informal grievance resolution process:

- focuses on personal or facilitated discussion between the complainant/s and respondent/s to address issues
- wherever possible, aims to reach a resolution acceptable to all parties.

Formal grievance

A formal grievance resolution process:

- requires the grievance be submitted in writing (including details of the issue/s or incident/s and any supporting information)
- involves an assessment of the grievance through collection of information/evidence
- requires a report detailing the findings and outcome/s
- entails written notification to complainant/s and respondent/s regarding grievances.

Grievance

An issue, concern or complaint raised by an employee that relates to actions or behaviour of another employee, a part of the organisation, a policy or a decision.

Mediation

Mediation is a structured discussion between the complainant/s and respondent/s designed to work through issues in a process to reach a resolution. Mediation may not be appropriate in all cases and is a voluntary resolution option.

Procedural fairness

Includes processes which result in decisions that may adversely impact on a person's rights or interests. It applies to complainants, respondents and informal and formal grievance resolution processes.

Procedural fairness requires:

- the decision-maker acts fairly, without bias and does not have an actual or perceived conflict of interest
- the respondent be informed about the grievance, given a reasonable opportunity to respond to those allegations or decisions affecting them, and have their response genuinely considered before a decision is made
- inquiries are undertaken to inform the assessment of the grievance
- decisions are logical and based on documented evidence, with all relevant information considered.

Resolution agreement

Outcomes that have been agreed to by the parties involved in the grievance.

Resolution decision

Outcomes to resolve the grievance as determined by the principal or line manager.

Respondent

Employee who is the subject of a grievance.

Reviewable decision

A decision made by an employing authority as a result of the completion of a process to which a Public Sector Standard applies.

Superordinate

The person to whom an individual's line manager reports or a more senior manager.

Support person

A person who the complainant or respondent elects to be supported by in the grievance resolution process. The support person does not participate in the process but can be present at meetings or interviews.

3. Contact information

Industrial and Employee Relations

T: 9264 4921 option 2

Employee assistance program

The Department offers a counselling service to all employees, their partners and dependent children under 25 years of age, who are entitled to six free sessions annually. This is an independent and confidential service. Appointments are available face-to-face, via telephone or Skype, 1300 307 912. [Brochure](#)

The [Manager Assistance Program](#) is a telephone advisory service for managers dealing with difficult or complex people issues, 1300 307 912 or 9388 9000. [Brochure](#)

Equal opportunity contact officers

EOCOs provide information about resolving discrimination, harassment and workplace bullying issues and may act as a support person. List of EOCOs.

Mediation support

Mediation training is available for principals and line managers. Independent mediators are available to conduct mediation between employees. Visit the website for a referral form. Employee Support Services, Injury Management Support, 9264 4921.

Standards and Integrity Directorate

Standards and Integrity Assessment support, 1800 655 985. [Report staff conduct](#).

Translating and interpreting services

Access translating and interpreting information and service providers, 6206 2061

4. Appendices

Appendix A: [Type of grievance/issue and resolution process](#) (PDF file - 209.3kB)

Appendix B: [Grievance framework flowchart](#) (PDF file - 113.5kB)

Appendix C: [Managing an informal grievance](#) (PDF file - 139.8kB)

Appendix D: [Managing a formal grievance](#) (PDF file - 198.9kB)

Appendix E: [Grievance framework generic template letters](#) (PDF file - 89.2kB)

5. More information

Supporting content
