



St Vincent de Paul Society NSW
Procedures for the
Members and Volunteers Grievance Policy

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Version Control

Contact officer	Role	Vers No	Date	Review Date
Dianne Lucas	Executive Officer	3	14 August 2013	August 2015

1 Procedures Statement

The St Vincent de Paul Society (“the Society”) recognises that a harmonious and productive workplace environment is the goal of all organisations. A clear set of procedures supporting an open and transparent policy on the management of grievances:

- provides all members and volunteers with an opportunity to express concern about a workplace-related issue; and
- provides a clear system by which such issues are investigated and resolved.

2 Scope

- 2.1. These procedures should be read in conjunction with the *Members and Volunteers Grievance Policy*.
- 2.2. These procedures apply to all members and volunteers of the Society. All new members and volunteers will be advised of these procedures at the commencement of their involvement in Society matters by their Regional Council, or Central Council President or President (for members) or Supervisor (for volunteers) or as part of an appropriate Induction Program.

3 Purpose

- 3.1. As stated in the policy, the Society is committed to providing a harmonious, productive and satisfying workplace environment.
- 3.2. The Society recognises that grievances and conflicts do occur and conflict can have an impact on the workings of the Society. Procedures are required to minimise the potential negative effects for everyone involved.
- 3.3. The procedures associated with this policy ensure the process to resolve complaints and grievances follows the principles of natural justice and is fair, open and transparent.

4 Definitions

Complainant – means the person who has made the workplace complaint or grievance.

Conflict - means a situation, disagreement or argument which causes a person to feel that their needs, interests or concerns are under threat.

Decision Maker – means the person who is authorised to make a decision about the grievance.

Due Process / Principles of Natural Justice - means procedural fairness or:

- (a) the right to a fair hearing

- (b) the right to attend hearings with a friend or support person, if required
- (c) the opportunity for all parties involved to be heard
- (d) the respondent (the person or people against whom the complaint has been made) having full knowledge of the nature of the grievance
- (e) the right to an independent, unbiased, fair decision-maker
- (f) a decision that is based solely on the relevant evidence
- (g) an opportunity to have the decision reviewed

Employee – for the purposes of this procedure an employee is a person employed by the St Vincent de Paul Society (NSW) on a permanent, temporary or casual basis.

Grievance – is a complaint about the behaviour or action of another person within the Society, which has caused or is likely to cause resentment or distress. This might be real or perceived. This also includes an allegation of illegal activity or denial of a legal right. A grievance should be in writing. The terms grievance and complaint have the same definition in this document.

Grievance Manager – means the person who is appointed to manage the grievance process.

Member – a Society member is a person who belongs to a conference (a local parish based group) and performs vocational unpaid work for the Society. Members are also known as Vincentians. Member in this document also includes Associate Members who also undertake vocational unpaid work for the Society but do not attend Conference meetings and Volunteer Members.

Parties – means the complainant(s) and the respondent(s).

Respondent – means the person or people against whom the complaint has been made.

Volunteer – a Society volunteer is a person who performs unpaid work. The term ‘volunteer’ applies to students, interns, corporates, and others who perform unpaid work for the Society as well as through various schemes such as ‘work for the dole’ and ‘community service order’ schemes. In this document ‘Volunteer’ does not include ‘Members’.

5 Procedures

- 5.1. The Society will take all legitimate grievances seriously.
- 5.2. The grievance process will be managed by a person appointed as the grievance manager who will offer the opportunity for both the complainant(s) and all relevant people to tell their own story and will ensure that all parties are fully informed of any allegations and decisions made. It is the responsibility of all parties to ensure that any discussion is limited to the facts about the grievance.
- 5.3. Every effort will be made to resolve the grievance in an informal way with open, honest communication between the complainant and respondent. If the grievance has not been resolved informally, the complainant, should put the grievance in writing if they have not already done so, stating the basis of the grievance, who is involved and the outcomes they would like to see. The template at Appendix A may be used for this purpose

- 5.4. It is the aim of the Society for all grievances to be resolved in as short a time frame as possible. Action is to be commenced within one week of a formal complaint being received and the aim is that resolution be achieved within a further three weeks where possible. If a complaint has not been resolved within four weeks of being received by the Grievance Manager, the Grievance Manager will keep the complainant informed and advise when the grievance is expected to be resolved.
- 5.5. Written grievances will be signed by both the complainant and the person receiving the grievance with the date received and will then be placed in a confidential file along with all documentation from the process.
- 5.6. Confidentiality shall be observed at all times within the boundaries of the need to investigate the allegations fully. Only those people with a specific role in this procedure will be included in the process, with this process documented and transparent for those involved. In certain cases, such as those involving the alleged abuse of children/young persons, serious criminal offences or suspected corruption the details of grievances must be reported as a priority to the Central Council President (for members) or the relevant Executive Officer (for volunteers and employees). A decision will then be made regarding the requirement to report to an external authority. If a complaint refers to reportable conduct, the Child Protection Policy 2012, must be used. 'Reportable conduct' is:
- Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence); or
 - Any assault, ill treatment or neglect of a child; or
 - Any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.
- 5.7 Both parties shall have the opportunity to be supported throughout the process by a person of their choice. This could be a friend, colleague, relative or person from another organisation, provided there is no conflict of interest.
- 5.8 The Society shall have the opportunity to seek expert assistance where necessary. The complainant and respondent also have the right to seek assistance and advice from an outside agency if they are unhappy with any stage of the procedure depending on the issue and any legislation that might apply, e.g. Fairwork Australia, Anti Discrimination Board NSW or personal legal advice etc.
- 5.9 Where Federal or State Legislation sets out processes that are relevant to responding to a grievance, the complainant, respondent or the Society is entitled to follow the processes set out under the relevant Act.
- 5.10 A person making a grievance shall have the right to withdraw the grievance at any time throughout the process. They will be supported at all times and there shall be no penalty or unfair treatment toward any person who chooses to lodge a grievance, providing the grievance is not frivolous or vexatious.
- 5.11 A checklist to assist the grievance manager may be found at Appendix A. This can be used for both Member and Volunteer grievances. If the Grievant is under 18 years old, the contact details of a parent or guardian responsible adult who is familiar with

the matter is required so that they can be present during any discussions to provide support and assistance to the young person throughout the process.

- 5.12 Where the respondent is an employee of the Society the grievance manager shall advise the respondent's Supervisor/Manager/Executive Officer, as appropriate and the relevant policy and procedures in the Workplace Manual shall apply.. If the respondent is under 18 years the grievance manager shall ask the respondent for the details of a parent/guardian or a responsible adult who can be involved during the whole process to ensure the respondent fully understands any allegations made by another and how they will be investigated. The parent/guardian or nominated responsible adult should be present during all meetings and discussions with the respondent.

6 Hierarchies

- 6.1. Separate organisational structures (hierarchies) apply to members and volunteers.

6.1.1. Members – the hierarchy for members is the Central Council, President in the first instance. The Central Council, President will decide on each occasion where the grievance concerning a Member is to be referred for investigation. In allocating a Grievance Manager the Central Council President should consider the skills and ability to manage the grievance and if there would be any possible conflicts of interest. As a general rule, depending on the circumstances, the hierarchy could be as follows:

- 1) President, Central Council;
- 2) President, State Council; and
- 3) President, National Council.

6.1.2. Volunteers – the hierarchy for volunteers is:

- 1) Supervisor;
- 2) Manager;
- 3) Relevant Executive Officer;
- 4) President, Central Council / Chief Executive Officer (for State Support Office), and
- 5) President, State Council

6.1.3 Where the complainant is an Employee or the subject of a grievance is an Employee, the Society's grievance arrangements for employees apply (refer Workplace Manual).

- 6.2. When a member submits a grievance it should be lodged with the Central Council, President or the next level in the hierarchy if the grievance concerns that individual.

6.2.1. The Central Council, President either manages the grievance or delegates to a suitably qualified person in discussion with the Central Council Executive Officer.

6.2.2. In the first instance, other than for serious matters, an informal approach is implemented where appropriate.

6.2.3. The informal approach is detailed in paragraph 9 below.

6.2.4. If the informal approach is not successful or the grievance is serious (such as bullying, harassment, discrimination etc.) then the grievance should be

managed in a formal manner and the complainant will be asked to put the grievance in writing, if it has not already been put in writing. Appendix A is a sample Grievance Template.

- 6.2.5. The grievance manager will submit a report to the Regional Council President or Central Council President if the grievance manager is the Regional Council President and so on.
- 6.3. When a volunteer submits a grievance it should be lodged with the volunteer's Supervisor or the next level of the hierarchy if the Supervisor is involved in the grievance.
 - 6.3.1. The Supervisor either manages the grievance or delegates to a suitably qualified person.
 - 6.3.2. In the first instance, an informal approach is implemented where appropriate.
 - 6.3.3. The informal approach is detailed at paragraph 9 below.
 - 6.3.4. If the informal approach is not successful or the grievance is serious (such as bullying, harassment, discrimination etc.) then the grievance should be managed in a formal manner and the complainant will be asked to put the grievance in writing. Appendix A is a sample Grievance Template.
 - 6.3.5. The grievance manager will submit a report to the Manager or relevant Executive Officer if the grievance manager is the Manager.
- 6.4. The flowcharts (at Appendix B) show a diagrammatic overview of the informal and formal processes of managing a grievance for members and volunteers.

7 Flowchart for Members

A flowchart showing the main processes involved in considering grievances for members is at Appendix B.

8 Flowchart for Volunteers

A flowchart showing the main processes involved in considering grievances for volunteers is at Appendix B.

9. Informal Procedures

- 9.1 In the first instance all complainants should try to resolve the grievance informally with the individual concerned. If this is not possible or if the complainant does not feel comfortable doing this the grievance should be forwarded in writing (using the template at Appendix A) as detailed in these Procedures.

- 9.2 A complainant should raise their grievance with the respondent as soon as possible and seek to resolve the issue which may be just a misunderstanding. At a one to one meeting both parties should discuss the grievance and how it might be resolved. In line with the Vincentian spirit of the Society and it's mission, prayer and reflection may help both parties to identify ways to reconcile and help restore harmonious workplace relationships between each of the individuals.
- 9.3 The use of a third party as a mediator, independent from both sides might bring a different perspective and might help to resolve the situation. If a mediator is used, the individual should be someone who has no prior knowledge of the issue at hand.
- 9.4 At any time while trying to settle the grievance a complainant or respondent may consult confidentially with anyone they choose external to the Society.
- 9.5 If an informal approach does not resolve the situation then the grievance needs to be dealt under the formal procedures below.

10. Formal Procedures

- 10.1 If an informal approach does not resolve the situation or the complainant chooses to follow a formal process then the following procedures will apply.
- 10.2 A grievance is received in writing (Appendix A template is an example) by the Central Council President or Supervisor and is managed by the Regional Council President (or delegate) or the Supervisor (or delegate) or the next person in the hierarchy as appropriate. If the grievance relates to the behaviour of the Regional Council President or Supervisor, then the complaint shall be addressed to the Central Council President or Manager.
- 10.3 The person who manages the grievance is known as the Grievance Manager.
- 10.4 The grievance manager is expected to manage the grievance to try and come to a resolution in a timely manner. Appendix C is a checklist which should be used by the Grievance Manager. Details of the roles and responsibilities of all parties are detailed in Appendix D.
- 10.5 If the written grievance cannot be resolved with the assistance of the allocated Grievance Manager or Supervisor, then the grievance shall be directed to the Central Council President or Manager who shall be requested to undertake the steps to try to resolve the grievance.
- 10.6 The allocated Grievance Manager or Supervisor should seek advice in the first instance for Members: from Central Council Presidents and for Volunteers: from Central Council Executive Officers as required at any stage in the grievance process.
- 10.7 If the Central Council President or Manager is unable or feels unable to resolve the issue, it shall be presented to the State Council President or relevant Executive Officer for resolution.

- 10.8 The grievance manager shall call in expert assistance or support (e.g. an external investigator) where circumstances warrant. Advice and support is available for the Members: from Central Council Presidents and for Volunteers: from Central Council Executive Officers.
- 10.9 Having carried out investigations, the grievance manager shall notify the findings and make recommendations in a written report as appropriate.
- 10.10 All parties involved (e.g. Complainant and Respondent) shall be notified of these findings within the four week time frame as set out in section 5.3 above.
- 10.11 Regular advice to all relevant parties regarding the progress of the grievance process should occur where the time frame exceeds the four week period.
- 10.12 All people involved in the process retain the right to contact an external agency for advice, support or assistance at any stage of this process including if they are unhappy with the resolution of the grievance. In these circumstances it would be appreciated if the grievance manager was advised of relevant information so that appropriate action can be implemented.
- 10.13 A range of options exist to resolve grievances promptly and effectively. The option chosen will depend on the circumstances. Generally, all attempts should be made to resolve the grievance informally before moving to a formal resolution. Options to resolve a grievance could include:
- Encouraging the person who has made the grievance to try and resolve the issue themselves. All workers have the responsibility to contribute to a harmonious workplace and it should not always be necessary to begin the grievance process to resolve minor matters.
 - Encouraging/facilitating local resolution prior to moving to a more formal resolution
 - Mediation where the options above are not appropriate or have been unsuccessful
 - Making minor administrative or work process changes e.g. where there is perceived unfairness in work arrangements
 - Provision of information, education and training where a lack of knowledge of workplace policies, roles and responsibilities have led to the grievance
 - A variety of combinations of the above
 - Many grievances can be settled by a joint agreement between the parties involved in the grievance.
 - If there is not enough proof to work out who is telling the truth, a decision in favour of either party cannot be made.
- 10.14 The Grievance Manager should let the person who has made the grievance know that there has been some action, resolution or closure of the issue. They do not need to know the full details of the action taken (except where it may affect their work or duties in any way), or the terms of the resolution, only that action was taken or the issue was resolved or closed.

11. Review process

- 11.1 Where a party to the grievance is unhappy with the outcome or process the grievance decision can be referred to the individual at the next level of the hierarchy (not previously involved) for review as detailed in 6.1 above.
- 11.2 Although the Society prefers that these grievance procedures be applied, in accordance with Article 27 of the *Society Rule* (November 2012) a member can request a referral of the grievance to a Reconciliation Committee. *“Conferences and Councils may, after exhausting all efforts at reconciliation at the Conference or Council level, refer differences to the respective Reconciliation Committee for investigation and determination within an approved framework.”* The request should be made through the Central Council President and should be discussed with the President, NSW State Council.
- 11.3 A volunteer can seek a review of the outcome or process by referring the matter to the State Support Office in the case of a matter in the State Support Office or to an Executive position within the State Support Office that has not been involved in the original process or decision.
- 11.4 The decision of the reviewer will be final.

12. Further advice or assistance

- 12.1 For further advice or assistance on this policy or assistance in making a complaint (for those that might need assistance e.g. visual impairment or other disability) through this procedure please contact the following:

	Central Councils	State Support Office*
○ Members:	Central Council President	President, NSW State Council
○ Volunteers:	Central Council Executive Officer	Relevant Executive Officer

*Including Support Services

APPENDIX A

DETAILS OF GRIEVANCE

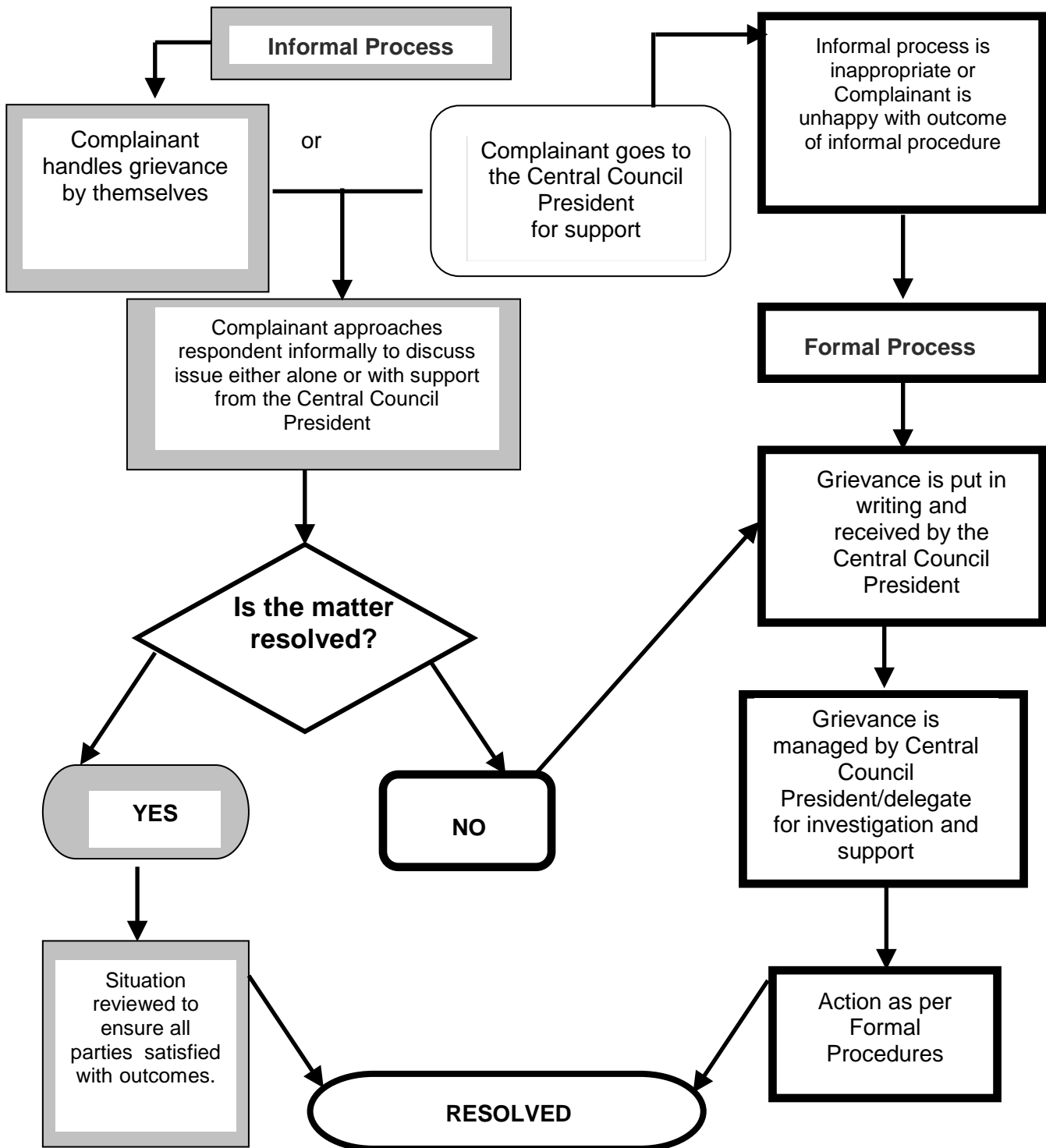
This template can be used by the Grievant for reporting a workplace grievance to a Central Council President (if a Member) or a workplace Supervisor (if a Volunteer) in accordance with the *Members & Volunteers Grievance Policy & Members and Volunteers Grievance Procedures*.

DETAILS OF GRIEVANT	
Member/Volunteer Name:	
Family Name	First Name
Address:	
Member/Volunteer telephone: (....)	Mobile Telephone:
Name of parent/guardian/other adult	
If Grievant is under 18 years old	
Mobile/TeleNo.....	

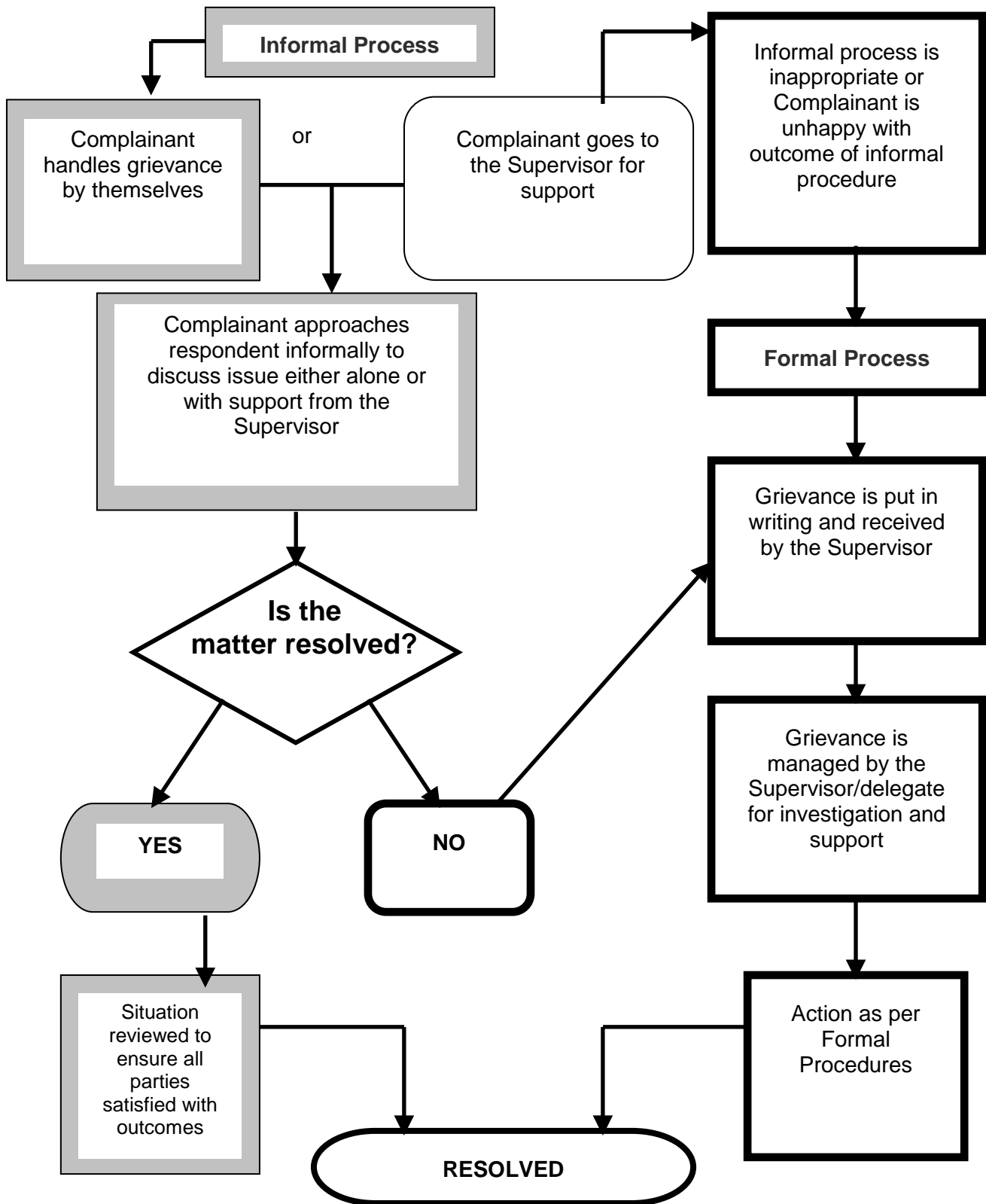
DETAILS OF GRIEVANCE
Date/s and time:
Location/ workplace:
Description of incident:
Names of individuals involved:
Names of any witnesses:
What outcome are you seeking?
How have you attempted to resolve this ?

APPENDIX B

1. Flowchart for Members



2. Flowchart for Volunteers



APPENDIX C

This checklist should be completed by the Grievance Manager in accordance with the *Members & Volunteers Grievance Policy & Members and Volunteers Grievance Procedures*.

DETAILS OF GRIEVANT	
Member/Volunteer Name:	<div style="border-bottom: 1px dotted black; height: 15px; margin-bottom: 5px;"></div> <div style="display: flex; justify-content: space-between; font-size: small;"> Family Name First Name </div>
Address:	<div style="border-bottom: 1px dotted black; height: 15px; margin-bottom: 5px;"></div>
Member/Volunteer telephone: (....)	Mobile Telephone:
Name of parent/guardian/other adult	Mobile/TeleNo.....
If Grievant is under 18 years old	

SUMMARY OF DETAILS OF GRIEVANCE
Summary:
<div style="border-bottom: 1px dotted black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px dotted black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px dotted black; height: 15px;"></div>

GRIEVANCE MANAGER:

Date Grievance received:	.../.../.....			
Date acknowledged:	.../.../.....	Letter attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Process determined:	.../.../.....	Documentation attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Grievant interviewed:	.../.../.....	Documentation attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Non-respondents interviewed:	.../.../.....	Documentation attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Respondent(s) interviewed:	.../.../.....	Documentation attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Other enquiries:	.../.../.....	Documentation attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Draft report submitted:	.../.../.....	Documentation attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Final report submitted	.../.../.....	Documentation attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Decisions made:	.../.../.....	Documentation attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Grievant advised:	.../.../.....	Documentation attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Respondent(s) advised:	.../.../.....	Documentation attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>

CHECKLIST COMPLETION			
Completed by:		Position:	
Signature:		Department:	
Date:	.../.../.....	Office Location:	
Please forward completed checklist and all relevant documentation to the Central Council Executive Officer or relevant SSO Executive Officer in a sealed envelope marked Private and Confidential.			

APPENDIX D ROLES AND RESPONSIBILITIES

All Members and Volunteers

Key rights include:

- Being provided with a safe and healthy working environment
- Being provided with sufficiently detailed information to allow an appropriate response
- Being treated with respect
- Being given a full and fair opportunity to have their say, and the right of reply
- Being provided with information on progress of the grievance and on any decisions made that may affect them
- Appropriate confidentiality and protection from recrimination
- Impartial, prompt and professional management of the grievance to a speedy resolution
- Seek appropriate external support and assistance in dealing with their work related concerns

Key responsibilities include:

- Recognising their role in harmonious workplace relations
- Taking responsibility for their own actions in the workplace, and where the actions of others are disagreeable to them, to attempt to settle matters, where appropriate, with that other person/s in the first instance
- Raising matters of concern at an early stage and actively participating in the grievance resolution process
- Not making malicious, vexatious or frivolous complaints
- Not releasing information relating to a grievance to any third party who have no legitimate involvement in the process
- Accepting that a resolution may not always satisfy their personal wants
- Cooperating with any grievance procedure.

Person raising the grievance

Key rights include:

- To be provided with information regarding their rights and responsibilities
- To seek a means to resolve the grievance informally where possible
- To withdraw from the grievance at any stage, although the complainant may be advised that management will continue to pursue the complaint if the matter is considered serious or impacts on the Society's duty of care
- To identify desired outcomes
- To have the issues treated in a fair, impartial and appropriately confidential manner
- To be informed of all decisions and progress made which may affect them, with consideration given to the privacy of other parties
- To be given protection against any victimisation or harassment because they have raised a grievance
- To have access to records of meetings which they attended to enable them to confirm that they are an accurate and true record.
- To have a support person present at any meetings they attend relating to the grievances;
- To place comment on the file that contains the record of their involvement.

Key responsibilities include:

- To not make malicious, vexatious or frivolous complaints
- To work constructively through the grievance process in line with the policy
- Maintaining confidentiality during the grievance process

Those responding to the grievance

Key rights include:

- To be provided with information regarding their rights and responsibilities
- To be provided with protection against any vexatious or malicious complaints
- To be informed promptly of the substance of the grievance
- To be provided with sufficiently detailed information to allow them to respond to the grievance
- To have an opportunity and sufficient time to respond to the grievance
- To seek advice and management counselling
- To have the issues treated in a fair, impartial and appropriately confidential manner
- To be informed of all decisions and progress made which may affect them, including any evidence found against them, with consideration given to the privacy of other parties
- To have a support person present at any meetings they attend relating to the grievance
- To have access to records of meetings which they attended to enable them to agree that they are an accurate and true record
- To place comment on the file that contains the record of their involvement.

Key responsibilities include:

- Maintaining appropriate confidentiality during the grievance process
- To work constructively through the grievance process in line with the policy
- To provide as much information as possible to assist in the effective resolution of the grievance

Grievance Manager

Key rights include:

- To receive training when available in effective grievance management
- To make reasonable instructions in relation to work

Key responsibilities include:

- To ensure all are aware of their rights and know how to access the grievance resolution process
- To proactively identify and resolve, as far as practicable, causes of concern to individuals without waiting for a grievance to be raised
- To treat all workplace grievances seriously, fairly, impartially and confidentiality. If circumstances prevent a person from remaining impartial, the grievance should be referred to the next manager in line or another appropriate person
- To document the process undertaken to resolve a grievance
- To ensure that all documentation in their possession remains appropriately confidential and is kept in a secure place
- To ensure that each stage of the grievance is handled as expeditiously as possible
- To ensure that whilst the grievance procedures are being followed, there should be as little disruption to work as possible
- To ensure that professional interpreters are made available to people who do not speak English as their first language or who use sign language
- To protect individuals from victimisation, harassment and discrimination.