

## POLICY C10.0

### STAFF GRIEVANCES

#### 1.0 INTRODUCTION

##### 1.1 Context

Established in 2015, Scentia Pty Ltd (“Scentia”) unites the industry leaders Australian Institute of Management Education & Training (“AIMET”) and Australasian Collage of Health and Wellness (“ACHW”).

Scentia has a duty of care to staff and a legal responsibility for resolving grievances alleging inequity and unlawful behaviour. Scentia is committed to providing a safe, harmonious, supportive, and productive environment and to resolving grievances promptly and with the minimum of distress.

##### 1.2 Purpose

This policy outlines how Scentia will manage, assess, and resolve staff grievances, formally and informally, and the principles that will guide the complaint management process.

This policy should be read in conjunction with the Staff Grievances procedure.

##### 1.3 Scope

This policy applies to all Scentia staff and volunteers and covers staff grievances with Scentia’s processes and operations, other staff, students, volunteers, and contractors.

##### 1.4 Scope Exceptions

This policy does not apply to student complaints and grievances. Refer to the Student Grievances and Complaints policy and procedure.

#### 2.0 RESPONSIBILITIES

1. Complainants and Respondents (see definitions) are expected to:

- comply with this policy and its procedure,
- not victimise or harass other parties involved in the matter,
- act in accordance with the Staff Code of Conduct,
- approach proceedings in good faith, with a desire to resolve the grievance, and

- maintain confidentiality (discussing the complaint only with investigators, support person, and with medical practitioners or counsellors who are bound by confidentiality codes) throughout the grievance resolution process.
2. All staff involved in managing complaints and appeals, including investigators, must ensure the process:
    - considers formal complaints in a timely manner;
    - is impartial and supports procedural fairness and natural justice;
    - promotes honest and transparent processes and outcomes; and
    - outlines the responsibilities and respects the rights of individuals involved in the process.
    - strictly observes confidentiality at all stages. No party shall reveal the names of any other party who is the subject of or involved in the grievance or its resolution, without express permission.
  3. Head of People and Culture is responsible for regular reporting on staff grievances and complaints and to WHS and corporate board quarterly if required.

## 3.0 POLICY

### 3.1 Principles

1. Scentia recognises that staff have the legal and ethical right to:
  - raise a concern or make a complaint related to unfair treatment, discrimination, harassment, vilification, bullying and other such issues. (This will be referred to as a grievance throughout the policy); and
  - have that grievance dealt with confidentiality, fairly, effectively and within an appropriate timeframe.
2. Staff involved in the grievance resolution process will not be disadvantaged, victimised, or discriminated against as a result of lodging a grievance.
3. Resolution of grievances in accordance with this policy is free of charge.
4. All parties have the right to be represented by a third party (such as a family member, friend, counsellor, advocate, or support person) at all times.

### 3.2 Grievances

1. Staff with a grievance can take the following action:
  - **Informal** - attempt to resolve the grievance directly with the person(s) or area involved (if it is appropriate and safe to do so); or inform their manager. If the complaint relates to their manager, staff can either inform their Manager's Manager or the Head of People & Culture.
  - **Formal** - make a formal complaint.
2. A staff member can also seek independent advice and support from Head of People and Culture if they are unsure how to address a grievance.

### 3.3 Informal resolution

1. Staff are encouraged to try and resolve a grievance directly with the respondent - the person(s) or area(s) responsible for the behaviour, decision or actions that were unfair, offensive, or discriminatory.
2. Staff can also raise their grievance with their manager or Head of People and Culture who will outline the support options available and attempt to resolve the grievance. If they cannot resolve the grievance, they must refer the staff member to the appropriate resolution mechanism.
3. All grievances, irrespective of whether the matter is resolved by informal resolution or further escalated, must be recorded in the Staff Grievances and Complaints Register.
4. Informal resolution is not considered the appropriate avenue for resolution if the complainant feels unsafe or the grievance relates to allegations of misconduct or unlawful behaviour. This may include, but is not limited to, sexual harassment and assault and all matters covered by anti-discrimination laws. In these cases, staff should make a formal complaint.

### 3.4 Formal complaints

1. If the grievance cannot be resolved informally, staff can make a formal complaint to resolve the grievance. The Staff Grievances procedure outlines how to lodge a complaint.
2. Staff who need assistance lodging a formal complaint, can contact the Head of People and Culture.
3. Staff can withdraw a formal complaint at any time during the process. However, Scentia may be required to continue managing a grievance to meet legal or regulatory obligations.

4. All formal complaints will:

- be handled promptly and within 21 business days.
- be treated confidentially. Failure to maintain confidentiality may result in disciplinary or legal proceedings.
- be taken seriously and handled impartially in accordance with the principles of procedural fairness.
- ensure complainants and respondents are informed of the progress (where appropriate) and outcomes.
- be handled with the wellbeing of the complainant in mind. This may require adjusting processes and timelines to avoid re-traumatising the complainant and to ensure they are supported.

### 3.5 Investigation of formal complaints

1. Staff formal complaints will be investigated by the Head of People and Culture, the staff member's direct manager or others as decided by the Head of People and Culture. The Staff Grievances procedure details how formal complaints will be investigated and managed.
2. Scentia may dismiss or choose not to consider a formal complaint that:
  - is vexatious, frivolous or lacking in substance;
  - not made in good faith;
  - a misconceived fact;
  - is lodged anonymously;
  - is, or has been, factually assessed under another process;
  - is, or may become, subject to legal proceedings; or
  - is subject to an external review process.
3. Scentia may cease or not commence action under this policy if a grievance is under investigation by the police or other external agencies such as the NSW Anti-Discrimination Board or the Australian Human Rights Commission, until those investigations have concluded.

### 3.6 Appeal

1. Any party to a formal complaint has a right to appeal the outcome or process. The Staff Grievances procedure outlines how to lodge an appeal and the timeframe in which this must be done.

2. Scentia may consider appeals, within the appeal period, on the following grounds:
  - inaccurate or incomplete application of a policy or process;
  - denial of procedural fairness; or
  - additional information becomes available to the Complainant.
3. Scentia will not consider an appeal if the reason for the appeal is solely based on dissatisfaction with the advised outcome.

### **3.7 External review**

1. If a complainant is unsatisfied with how their grievance was handled or the outcome of the formal complaint or appeal, they may seek an external review by the Fair Work Ombudsman or other relevant review body.

### **3.8 Confidentiality and record keeping**

1. Records and documents created in the course of investigating the grievance should be stored and retained in accordance with the Privacy of Staff Information and Records policy and the State Records Act 1998.
2. Head of People and Culture will records details of all grievances and complaints, actions taken and their resolution (including any appeals) in a Staff Grievances and Complaints Register. This Register will be kept for seven (7) years on a strictly confidential basis.
3. Management of, and access to staff grievance records (including the Staff Grievances and Complaints Register), is restricted to the Head of People and Culture. Student grievance records are managed by the Head of Schools as outlined in the Student Grievances and Complaints policy. Parties to the grievance are allowed supervised access to the Grievances and Complaints Register on request.
4. All parties involved in the grievance must keep records and documents in-line with preserving confidentiality and respecting privacy in accordance with the Privacy policy and other relevant privacy legislation.

## **4.0 DEFINITIONS**

- **Appeal** - A formal application in writing to a higher authoritative figure or body to have a decision reversed.
- **Complainant** - The individual with a grievance or making a complaint.
- **Formal complaint** - A formal statement made in writing that something is unsatisfactory or unacceptable.

- **Grievance** - is a concern, complaint, issue or problem over something believed to be wrong or unfair.
- **Respondent** - The individual(s) about whom the grievance or complaint is made.

## 5.0 REFERENCES AND ASSOCIATED INFORMATION

- Staff Grievances Procedure
- Grievance Form
- Staff Grievance and Complaints Register

## 6.0 POLICY OWNERSHIP

Policy Owner	Head of People and Culture
Status	Reviewed on July 2021
Approval Authority	Chief Executive Officer (CEO)
Date of Approval	25/02/2022
Effective Date	25/02/2022
Implementation Owner	Head of People and Culture
Maintenance Owner	Head of People and Culture
Review Due	February 2025
Content Enquiries	Liz Douglas - Head of People and Culture Email: <a href="mailto:ldouglas@scentia.com.au">ldouglas@scentia.com.au</a>

## 7.0 AMENDMENTS

Version	Amendment Approval (Date)	Amendment Made By (Position)	Amendment Details
C10.0	25/02/2022	Head of People and Culture	Significant expansion and rewrite to cover the areas of informal and formal resolution, investigation, appeal, external review and confidentiality and record keeping.