

GRIEVANCE RESOLUTION POLICY AND PROCEDURE

Policy Owner: People & Culture

Approved By: Board

Effective Date: 22 November 2019

Next Review Due: 2021

Policy Author: Head of People & Culture

Approval Date: 22 November 2019

Version: 2

Copyright:

All rights reserved. No part of this work may be reproduced or transmitted in any form by any means, electronic or mechanical, including photocopying and recording, or by any information storage or retrieval system, except as may be permitted in writing by Teach For Australia.

CONTENTS

1.	Purpose and Scope.....	3
1.1.	Purpose	3
1.2.	Scope.....	3
2.	Policy Details	3
2.1.	Organisation Commitment	3
2.2.	Policy Application: Headlines	3
2.3.	Definitions	4
2.4.	Grievance Resolution Principles	5
2.5.	Organisation Responsibility	5
2.6.	Individual Responsibility	5
3.	PROCEDURE	6
3.1.	Stage 1: Early/Local Intervention.....	6
3.2.	Stage 2: Formal Complaint (internally)	6
3.3.	Formal Complaint (externally)	6
4.	CONFIDENTIALITY	7
5.	Related Document and References.....	7
6.	Policy History.....	7
7.	APPENDIX 1: GRIEVANCE LODGEMENT FORM.....	8

1. PURPOSE AND SCOPE

1.1. Purpose

To articulate Teach For Australia (TFA's) policy and procedure to raising concerns, should an individual/s believe a decision, behaviour or action that affects them is unfair.

1.2. Scope

Application of this policy and procedure is broad, including (but not limited to); TFA employees, contractors, volunteers, work experience students, other individuals working within a TFA workplace, or undertaking work directed by TFA. Additionally, it applies to other external individuals (including, but not limited to Candidates, Associates, Fellows and Alumni), should they have a concern regarding TFA's operations or a representative of TFA.

2. POLICY DETAILS

2.1. Organisation Commitment

TFA endeavours to appropriately undertake activity, however recognises that it is possible that a decision, behaviour or action may be deemed by an individual/s as unfair, therefore providing grounds for a concern to be raised.

TFA is committed to ensuring appropriate avenues exist for concerns in relation to individuals representing TFA, and/or TFA's operations to be raised.

2.2. Policy Application: Headlines

- a) this policy and procedure has broad coverage, and can be used by an individual/s if they believe they have a legitimate concern regarding TFA's operations or a representative of TFA;
- b) there are multiple approaches to raising concerns. [TFA recommends early intervention](#) – resolving issues locally between parties involved, before they escalate;
- c) the procedure and outcome of concerns raised will vary, however in all cases, [grievance resolution principles](#) will apply;
- d) concerns raised will be treated seriously, expeditiously, sensitively, discreetly, objectively, and as close as possible to their source having due regard to procedural fairness, confidentiality and potential for victimisation;
- e) TFA aims to protect individuals who raise concerns in good faith from any victimisation or repercussions;
- f) Individuals who require further assistance regarding the Grievance Resolution Policy and Procedure can contact their People Manager, People and Culture or their TFA representative.

2.3. Definitions

Term	Definition
Aggrieved	The individual/s who have raised a concern.
Confidentiality	Confidentiality means that information should be kept private, and only accessible to relevant parties.
Grievance	<p>A grievance is a complaint about something that caused distress. A grievance may arise from a decision, act or omission by any person or group, which is considered, by an individual to be wrong, mistaken, unjust or discriminatory.</p> <p>A grievance should always be made in good faith, giving evidence as a witness to a grievance, or involved in the mediation or investigation of a grievance would have a defence of qualified privilege in the event of a defamation action.</p>
Non-Disclosure	There should be limited disclosure of information relating to a grievance to as few people as possible, and only to those who are legitimately involved in the process of resolving the grievance. Any breaches of confidentiality, careless or otherwise, on the part of any of the parties involved in the resolution of the grievance may be considered as serious misconduct and may be subject to further action.
Non-Compliance	Is the failure or refusal to comply, as with a law, regulation, or term of a contract.
Procedural Fairness	<p>Procedural Fairness requires the application of a fair and proper procedure when making a decision. It comprises of a series of rules and principles, including:</p> <ul style="list-style-type: none"> • Decisions being made on the basis of known rules; • The procedure being clear and understood by the participants; • People being treated equally and free from bias; and • Participants having the right to present their views and evidence.
Relevant TFA Representative	<p>A relevant TFA representative is an employee of TFA who is the main point of contact for external individuals. Relevant TFA representatives may include (but not limited to):</p> <ul style="list-style-type: none"> • Recruitment and Advocacy Manager • Teaching & Leadership Advisor • National Intensive Home Group Lead
Representative	Someone who is appointed to act on another's behalf.
Respondent/s	The individual/s who is the subject of the aggrieved individual's concern.
Victimisation	To make a victim of or to dupe, swindle or cheat. Victimisation occurs when a person treats a worker unfairly due to that worker having made a workplace complaint. Any such treatment will be regarded seriously and may be dealt with as serious misconduct.

2.4. Grievance Resolution Principles

Procedural management of concerns raised may vary, however in all cases, as far as is reasonably practical, TFA aims to ensure:

- a) concerns raised are handled and resolved in an appropriate, fair, transparent and timely manner;
- b) in accordance with the principles of natural justice – impartiality exists, and until investigated and an outcome determined, the concern is an allegation, not a fact;
- c) all reasonable steps are taken maintain confidentiality;
- d) undertake relevant record keeping and communication (throughout the resolution process) regarding progress and outcome of the concern raised occurs;
- e) individual/s who raise concerns in good faith are protected from any victimisation or repercussions;
- f) a grievance is resolved, if;
 - a. the aggrieved (in writing) withdraws their grievance
 - b. a written agreement is reached between the parties, and organisation management

2.5. Organisation Responsibility

TFA will take all reasonably practical steps to:

- a) provide information and training to enable individuals to conduct their work activities and undertake reasonable management practices which mitigate the opportunities for concerns to arise;
- b) foster a culture that encourages constructive feedback, for learning;
- c) build/strengthen capability of individuals to understand early/local intervention concern resolution practices;
- d) ensure that all concerns which are formally raised are treated seriously, investigated quickly, objectively, without bias and fairly;
- e) ensure that before a decision is taken, respondent/s are informed about the nature and content of the concern raised;
- f) ensure all documents, processes and guidance referenced in [Section 5](#) are readily available

2.6. Individual Responsibility

Individuals have a duty to take responsibility for their own behaviour, which includes consideration to the health, safety and wellbeing of others who may be affected by their actions or omissions.

Individuals:

- a) must conduct themselves appropriately;
- b) are expected to raise concerns in a timely and appropriate manner in accordance with this policy and procedure. This includes matters they have experienced, or witnessed;
- c) are required to participate in the grievance resolution process in good faith and must observe strict confidentiality surrounding all matters. Failure to maintain confidentiality may be considered as serious misconduct.
- d) who are not satisfied with the outcome of the grievance resolution can appeal the decision (as outlined in the Grievance Procedure)

3. PROCEDURE

The objective of the grievance resolution procedure is to resolve concerns in an appropriate and timely manner.

The procedure provides graduated stages, and TFA encourages [early/local intervention](#).

For the purposes of this clause, a representative may be appointed by TFA, the aggrieved, or the respondent/s.

During grievance resolution, parties will continue to work in accordance with their Contract of Employment (unless there is a reasonable concern/imminent health, safety and wellbeing risk).

3.1. Stage 1: Early/Local Intervention

In the first instance, aggrieved individual/s should raise their concern directly with the individual/s with whom they have the issue.

Ideally, the aggrieved would explain what it is that has caused their grievance, and seek a mutually agreeable resolution.

3.2. Stage 2: Formal Complaint (internally)

If aggrieved individual/s cannot resolve their concern directly with the individual/s with whom they have the issue, at the earliest opportunity, the aggrieved individual/s must notify their People Manager/ relevant TFA representative.

The individual should put their grievance in writing and set up a time with their People Manager/relevant TFA representative to discuss and agree steps to try and resolve the issue. If the issue relates to the individual's People Manager then the matter should be referred to the next level manager and/or People & Culture.

The People Manager/relevant TFA representative will then set up a meeting with both parties to try and resolve the issue.

All meetings and discussions about the grievance should be documented by means of a file note. This is usually completed by the People Manager/TFA representative (as relevant, supported by People & Culture), and saved confidentially in HR files.

If an agreement has been reached, then the outcome and any actions are documented and shared with both parties.

If the matter continues to remain unresolved, it will be referred to People & Culture and the relevant member of the Executive Leadership Team. The above procedure may apply and/or, for additional assistance in resolving the grievance, TFA may refer the matter to an independent mediator.

3.3. Formal Complaint (externally)

The aggrieved or their representative has the right to raise the matter with the relevant external body.

4. CONFIDENTIALITY

Confidentiality is paramount, and all activity and documents in relation to a grievance will be restricted to only relevant parties.

5. RELATED DOCUMENT AND REFERENCES

- [Code of Conduct](#)
- Code of Conduct (for Associates)
- [Discrimination, Bullying and Harassment Policy](#)
- [Equal Employment Opportunity and Valuing Diversity Policy](#)
- [TFA Privacy Policy](#)
- [Employee Assistance Program \(for TFA employees\)](#)
- Fair Work Act 2009
- National Employment Standards (NES)
- Consultation and Cooperation in the Workplace (FWO)

6. POLICY HISTORY

From time to time, this policy may be changed by TFA.

Version	Effective Date	What
1	12 May 2015	Policy implemented.
2	22 Nov 2019	Full review of previous policy, and a refreshed policy implemented.

7. APPENDIX 1: GRIEVANCE LODGEMENT FORM

Before formally raising a grievance, read Teach For Australia's Grievance Resolution Policy and Procedure, to ensure the appropriate process is being executed.

There are multiple approaches to raising concerns. TFA recommends early intervention – resolving issues locally between parties involved, before they escalate.

This form is a tool to aid individuals in structuring their feedback, however as there are multiple avenues available for individuals to provide feedback – the form is optional, and used on a case by case basis.

Provide the completed grievance lodgement forms to the relevant party to whom you are formally raising the grievance for resolution with. Alternatively, the form can be lodged to feedback@teachforaustralia.org.

Note: the contents of this form (which describes the grievance, steps taken to resolve the grievance, and the desired outcome) will be distributed to the other parties to the grievance. All personal information provided at the beginning of this form (excluding your name) is for administration purposes only and will be kept confidential.

Date:

Surname:

First name:

Address:

Phone number:

E-mail address:

DESCRIBE YOUR GRIEVANCE (including the parties to the grievance, dates, where it occurred and any other relevant information. If more than one date, please list separately and attach extra pages if necessary)

HOW DID YOU REACT TO THE SITUATION? WHAT HAVE YOU DONE TO RESOLVE THE GRIEVANCE? (attach extra pages if necessary)

DESCRIBE THE HARM YOU HAVE SUFFERED AS A RESULT OF THE EVENT. WERE THERE ANY WITNESSES TO THIS SPECIFIC EVENT? (if yes, please provide their names)

WHAT IS YOUR DESIRED OUTCOME WHICH YOU BELIEVE WOULD SETTLE THE GRIEVANCE?

(attach extra pages if necessary)

EVIDENCE OR DOCUMENTATION (include any supporting information or physical evidence on which your complaint is based)

The information collected will be used in accordance with [TFAs' Privacy Policy](#).

The information provided in this grievance is true and correct, to the best of my knowledge. I am willing to cooperate fully in the investigation of my complaint, and provide whatever evidence Teach For Australia deems relevant.

Signature:

Date:

OFFICE USE ONLY

Date received:

**Received by
(name and
signature):**