



## Grievance and Dispute Handling – Management with an Employee

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### Related Policies

Complaints  
Grievance and Dispute Handling – Employee with Management

### Purpose

This policy establishes procedures to provide a process for the speedy resolution of grievances and disputes between management and an employee (member of staff). The process is based on consultation, cooperation and negotiation.

### Policy

From time to time, the performance of some staff members may come under scrutiny. This could arise for a variety of reasons such as performance, continued absences, staff relationships etc. The procedures outlined in this section must be followed to ensure that all parties concerned are treated justly and to maintain professional and legal credibility.

### Definitions

Nil

### Procedures

This section sets out the procedures to be followed where a problem arises with respect to a staff member's performance of his/her duties.

1. **Procedures**
  - 1.1 When processing a grievance or dispute, every effort must be made to ensure that the respect of individuals is maintained. The process must be undertaken in a manner that ensures that fairness and natural justice are maintained.
  - 1.2 There is a continuing need in each school for appraisal and evaluation at all levels to ensure that the aims of the school are being achieved.
  - 1.3 Deficiencies in performance need to be identified early. Action to overcome such deficiencies should be taken immediately.
  - 1.4 In all such cases, the Principal, assisted as appropriate by senior members of staff, should help the staff member to identify the problem and develop effective strategies for a resolution of the difficulty within a reasonable period of time.

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- 1.5 Where this approach fails, or where the problem is immediate and serious, the Principal is required to refer the matter to the Director of the Catholic Education Office.
  - 1.6 In dealing with these situations, Principals should, wherever practicable, follow these procedures, not only in the interest of efficiency and consistency in management but also in the interests of justice and fairness to the Archdiocese, its schools and their staff.
2. **Stage One**
- 2.1 All problems which arise within a school in relation to a staff member may be discussed within the school by the Principal and the staff member with a view to their resolution.
  - 2.2 Any such problem which is discussed within the school (whether regarded at that stage as having been satisfactorily resolved or not) may again become relevant where the problem continues to exist or if further problems develop.
  - 2.3 It is not essential in the school context for all problems to be brought to the staff member's attention in writing.
  - 2.4 Where a Principal seeks to interview a staff member in relation to a problem, the staff member may be accompanied by another person of his/her choice from the staff of the school.
  - 2.5 Where a problem has been brought to the Principal's attention or a complaint (written or verbal) has been made by parents, pupils or other staff members, the staff member must be informed of the nature of the complaint. Anonymous complaints will not be acknowledged.
  - 2.6 Any person present at an interview between a Principal and a staff member is free to take notes. Should the Principal choose to make a record in writing of the interview, a copy of this record should be furnished to the staff member as soon as practicable thereafter. In no circumstances is the staff member to be asked or required to sign any such record of interview.
  - 2.7 In any such interview between a Principal and a staff member the Principal will inform the staff member of the nature of the problem and the staff member is to be given an opportunity to respond.
  - 2.8 Any specific instructions given to the staff member by the Principal, are to be confirmed in writing by the Principal to the staff member. These instructions should include any strategies to assist the staff member to overcome the problem and the period of time in which those strategies are expected to lead to a resolution of the problem.
  - 2.9 If, during this process, it is necessary for a Principal to warn, censure or reprimand the staff member, any such action must be followed up in writing to the staff member and a copy placed on the staff member's file in the school.
  - 2.10 Where, in the opinion of the Principal, the problem is so immediate and serious that Stage One cannot be applied or where a problem remains unresolved after the application of Stage One, the Principal shall refer the matter to the Director of the Catholic Education Office.

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3. Stage Two
  - 3.1 The Director of the Catholic Education Office will advise the staff member in writing that the matter has been referred by the Principal.
  - 3.2 If the Director of the Catholic Education Office determines that an officer from the CEO will interview the staff member concerned, the Director will advise the staff member that such an interview is to take place. The advice will normally be in writing and will indicate the time and the place of the interview, the nature of the matters to be discussed and who may be expected to be present.
  - 3.3 Providing the staff member gives his/her permission, the CEO will also advise the appropriate union that the interview is to take place. Where the staff member himself/herself chooses to inform a union of the interview, and indicates such choice to the CEO, the appropriate union will inform the CEO of such a choice.
  - 3.4 The staff member may be accompanied at such interview by another person of his/her choice from the staff of the school who may be the union representative in the school or the staff member may be accompanied by a union officer.
  - 3.5 Any person present at the interview is free to take notes. The CEO officer will ensure that a written record of the interview is made and a copy of this record will be furnished to the staff member as soon as practicable thereafter. In no circumstances is the staff member to be asked or required to sign any such record of interview.
  - 3.6 During the interview, the CEO officer will inform the staff member of the nature of the problem referred by the Principal to the Director of the Catholic Education Office, and will show to the staff member any written allegations, complaints or reports pertinent to the matter. The staff member will be given an opportunity to respond.
  - 3.7 If the CEO officer determines to conduct further interviews with the staff member the above procedures shall also apply to such interviews.
  - 3.8 As soon as practicable after the final interview, but ordinarily not more than five working days after the interview, the staff member will be informed in writing by the Director of the Catholic Education Office or by the CEO officer who conducted the interview(s) that:
    - no further action is necessary; or
    - there is a need for improvement in the staff member's performance and the matter will be reviewed at a later date; or
    - there are specific matters which have caused concern and that any recurrence of those matters may result in further action being taken by the employer; or
    - steps will be taken to make available to the staff member appropriate advisory or counselling services; or
    - the staff member is to be disciplined and the nature of such disciplinary action; or
    - such other steps as regarded appropriate by the employer are to be taken.

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- 3.9 Where the staff member is advised that his/her performance is to be reviewed at a later date, the Director of the Catholic Education Office or the CEO officer who conducted the interview(s) will inform the staff member in writing of:
- the aspects of the staff member's performance to be reviewed and the nature of the improvement required;
  - the method that will be used to conduct the review;
  - the name(s) of the person(s) who will carry out the review; and
  - the nature of any special assistance that will be made available to the staff member during the course of the review.
- 3.10 At the end of the period of review as mentioned in 3.9 above, the staff member will be advised in writing that:
- the process of review has been completed and that the required improvement in the staff member's performance has been achieved; or
  - the process of review is to be extended; or
  - the process of review has been completed and that the required improvement in the staff member's performance has not been achieved.

#### 4. Stage Three

- If notwithstanding the taking of the steps referred to in 3.10, the grievance or dispute has not been resolved within a reasonable time, either the employer or the union may refer the matter to the Industrial Relations Commission for resolution.
- Nothing in the above procedures shall in any way limit or exclude the employer's right of summary dismissal.
- Nothing in the above procedures shall in any way limit a union representative's right to interview the Principal or the CEO representative.

## References

Relevant Certified Agreement

## Forms

Nil

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CEO Contact Officer:	Principal Human Resources Officer: Employment Relations and Legal Issues
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