

The NSW College of Clinical Pastoral Education HANDBOOK

Section 13

Grievance Procedure

All Clinical Pastoral Education Centres including provisional ones are required by the NSWCCPE Inc to have in place before conducting courses a grievance procedure which has been approved by the NSWCCPE Inc Executive Committee.

The Complainant has the right to use this procedure should their grievance not be resolved by the Centre procedure. Should this procedure not resolve the complaint then the next step is to use the formal Complaints Procedure outlined in this Handbook.

13.1 Terminology.

Grievance. A grievance is any type of problem, concern or complaint related to the Clinical Pastoral Education Unit being undertaken. A grievance may be about any act, omission, situation or decision that is thought to be unfair, discriminatory or unjustified.

Complainant. The person who has made the complaint.

Respondent. The person against whom the complaint has been made.

Resolved. 'Resolved' may mean that the process is completed in line with the principles of natural justice. It is recognised that the parties may not, in all cases, be satisfied with the outcome or feel that their problem is resolved.

13.2 This grievance procedure requires:

1. the complainant shall have first tried to resolve the complaint directly with the respondent.
2. The complainant shall have failed to resolve the complaint by direct negotiation or have felt that she/he could not for good reasons have done so.
3. That the complainant shall have approached the supervisor of the Unit about the complaint and it has not been resolved.

4. That the complainant shall have approached the Centre Director about the complaint and it has not been resolved.
5. That the complainant shall have approached the Centre Director's manager about the complaint and it has not been resolved.
6. That the complainant shall have approached the Centre's appropriate body such as the Human Resources and the complaint has not been resolved.
7. That the complainant has chosen at some stage in the process to bring the complaint to the NSWCCPE Inc.

13.3 The complaint will be made to the President of the College.

On receipt of the complaint the President will refer the complainant to the Chair of the NSWCCPE Inc Professional Ethics Committee.

13.4 The Chair of the Professional Ethics Committee shall:

1. determine if she/he is the right person to deal with the complaint
2. if the Chair of the Professional Ethics believes it is inappropriate for her/him to hear the complaint the Chair shall arrange for another member of the Professional Ethics Committee to hear the complaint. This person shall do what the Chair is required to do about the complaint.
3. if the Chair is satisfied that she/he can proceed the procedure shall be explained to the complainant including what are the possible outcomes.
4. the Chair can decide to involve another member or members of the Professional Ethics Committee in the investigation of the complaint.
5. the Chair shall explain what other options are available to them if they are not happy with this process or its outcome. This includes using the College's Complaints Procedure.
6. the Chair shall take a written record of the complaint.
7. the Chair shall talk to the respondent or respondents separately and impartially to hear their side of the story.
8. the Chair shall then discuss with the complainant what the respondent(s) said and determine what action should be taken to resolve the complaint.
9. the Chair shall ensure that whatever has been agreed actually happens.

Rights and Responsibilities.

13.5 The Complainant's Rights and Responsibilities.

1. to be provided with information regarding their rights and responsibilities under the Occupational Health and Safety and Anti discrimination legislation.
2. to seek counselling without making a formal complaint.
3. to withdraw from the grievance at any stage, although the complainant may be advised that the Professional Ethics Committee will continue to pursue the complaint if the matter is considered serious or impacts on the organisation's duty of care.
4. to pursue the grievance through alternative channel (such as the Anti-discrimination Board).
5. to identify desired outcomes.
6. to be informed of all decisions and progress made, with consideration given to the privacy of other parties.
7. to know that no steps will be taken to resolve or review a grievance without the complainant's knowledge, with consideration given to the privacy of all parties.
8. to raise their concerns or grievances at an early stage and providing as much information as possible to assist in the effective resolution of the grievance.
9. to have an observer of their choosing present at any meetings that the complainant attends relating to the grievance.
10. to place comment on the discipline/counselling file that contains the record of their involvement.
11. not to make malicious or vexatious complaints.
12. access to record of meetings in which they attended to enable them to agree that they are an accurate and true record.

13.6 The Respondent's Rights and Responsibilities.

1. to be provided with information regarding their rights and responsibilities under the Occupational Health and Safety and Antidiscrimination legislation.
2. to be provided with protection against any vexation or malicious complaints.

3. to be informed promptly, in writing, of the details of the grievance, the allegations and by whom they have been made.
4. to have an opportunity and sufficient time to respond to the grievance.
5. to seek advice.
6. to be afforded the presumption of innocence until proven otherwise.
7. to be informed of all decisions and progress made, including the evidence found against them.
8. to provide as much information as possible to assist in the effective resolution of the grievance.
9. to have an observer of their choosing present at any meetings that they attend relating to the grievance.
10. to have access to records of meetings which they attended to enable them to agree that they are an accurate and true record.
11. to place comment on the discipline/counselling file that contains the record of their involvement.

13.7 Investigation of a Grievance.

13.7.1 An investigation will be conducted where there are inconsistencies between the allegations made by the complainant and the response to these allegations by the respondent and where either party does not wish to participate in mediation or where mediation is not an appropriate option.

13.7.2 The aim of an investigation will be to determine whether evidence exists that substantiates the allegations that have been made.

13.7.3 The following principles should apply to investigations:

1. Any investigation process will be based on the principles of natural justice for all parties.
2. The Chair of the Professional Ethics Committee should have sufficient knowledge of the subject area or type of issue to be able to carry out the investigation.
3. the main role of the person conducting an investigation will be:
 - 3.1. to collect evidence and facts, locating originals of all relevant documents, and

- 3.2. obtaining copies for inclusion in a report.
- 3.3. to store all documents securely during the investigation
- 3.4. to ensure that all the investigation is carried out in a confidential manner.
- 4. An investigation process may involve the interviewing of witnesses in the event of conflicting statements between the complainant and the respondent. In these cases, the need for confidentiality should be stressed.

13.8 Documentation.

- 13.8.1 Persons conducting a grievance are responsible for recording detailed information on the procedure undertaken to resolve a grievance. This information should be kept separately from records that deal with the content of the grievance.
- 13.8.2 At any stage during the resolution of a grievance or in the future these records of the procedure undertaken to resolve a grievance may be required to be produced. This information can also be used to evaluate the procedure following an unsatisfactory outcome.

13.9 Appeals.

- 13.9.1 An unsatisfied complainant can ask the President of the NSWCCPE.Inc to review the decision of the Chair of the Professional Ethics Committee if the procedure set out in these rules have not been followed or believe the outcome is unfair.
- 13.9.2 If the President thinks that the grievance was handled properly no further action will be taken.
- 13.9.3 If the President thinks that the grievance was not handled properly the President will arrange for another independent person to review the complaint.
- 13.9.4 An unsatisfied complainant can proceed to use the NSWCCPE Inc Complaints Procedure

13.10 Outcomes.

Possible outcomes of the procedure are:

- 1. a written apology.
- 2. any of the outcomes listed in clause 14.19 of the NSWCCPE Inc Complaints Procedure.