



Internal Grievances Policy

Version 1.0
5 December 2016

Internal Grievances Policy

Summary

This is one of three policies that make up the NSW SES Complaints Management Framework - the first step in how to respond to a concern raised with NSW SES members ('members').

This policy states our approach to handling internal grievances. That is, complaints or concerns raised by members - 'grievants' - about a workplace issue impacting on them, such as an interpersonal conflict with another member. The *Internal Grievances Procedures and Supporting Documentation* details the process to be followed.

Key points about the policy are:

All members should value and be attentive to grievances as an opportunity for improvements to our workplace, member communication and member relations. There are three levels at which internal grievances may be handled:

Level 1 (preferred) - local (Unit/Region/Directorate) grievance management with an early resolution, preferably at first contact (between the grievant and other member).

Level 2 – internal (Professional Standards Unit) grievance management and investigation.

Level 3 – external review of internal grievance and/or our grievance management.

The policy covers:

- ✓ interactions between members during the grievance resolution process
- ✓ the information we provide grievants and other members about the process, progress and outcome/s of a grievance
- ✓ the management and resolution of internal grievances

The policy does not cover (5. *Related Internal Documents* refers):

- X external complaints made by members of the public
- X allegations of misconduct or serious offences
- X reports of alleged corrupt or unethical conduct under the *Public Interest Disclosures Act 1994*

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1. Purpose

Every member of NSW SES has a responsibility to support a healthy workplace and to assist in resolving concerns when they arise.

Employees have a right to a safe, productive, harmonious and fair workplace and to raise work related complaints – ‘internal grievances’ - and have them dealt with in a respectful, effective and timely manner.

This policy states our approach to handling internal grievances raised by members. That is, complaints or concerns raised by members - ‘grievants’ - about a workplace issue impacting on them, such as an interpersonal conflict with another member. The *Internal Grievances Procedures and Supporting Documentation* details how the policy is to be put into practice.

The policy sets out principles that members should apply to internal grievance resolution and documentation. The risks of not providing policy on internal grievances include low member morale and retention; unnecessary escalation of complaints; poor communication and a lack of unity between members when serving the general public; and, external oversight agency criticism.

Compliance with this policy is mandatory for all members.

2. Definitions

| Term | Definition |
|---------------------------|--|
| Internal Grievance | <ul style="list-style-type: none">• A work related problem or concern for which a member seeks resolution such as: interpersonal conflict; objection to the application of NSW SES policies; or, perceived unfairness in other respects regarding the workplace.• May be made either direct to the member (or Controller/Manager/Director) concerned or through a third party (for example: a colleague, friend, advocate, welfare worker, or other support person).• May be made either orally or in writing (including online).• An internal grievance covered by this policy can be distinguished from:<ul style="list-style-type: none">○ external complaints, allegations of misconduct, and public interest disclosures (Section 5. <i>Related Internal Documents</i> lists the relevant policies).○ opinions or comments made as feedback, or, requests for action/work completion. |
| NSW SES | New South Wales State Emergency Service |

| Term | Definition |
|------------------------------------|--|
| Policy | A document that sets out the way particular issues are to be addressed or particular decisions are to be made. Policies also set out the principles or values that govern how the NSW SES is to function. Compliance is mandatory. |
| Policy principles | A set of guiding statements that reflect the NSW SES values and intent regarding internal grievance management. |
| Dispute | An unresolved internal grievance that may have been escalated internally or externally. |
| Service request | Requests for action, services, assistance, explanation of policies, procedures and decisions; inquiries about our functions; or, reports of failure to comply with laws which relate to responsibilities of the NSW SES. |
| Procedural fairness | Involves decision-makers informing members of the case against them or their interests, giving them a right to respond, not having a personal interest in the outcome and acting on the basis of logically probative evidence. |
| Public official | An individual having public official functions or acting in a public official capacity that is an officer, temporary employee or is a member of a public authority in accordance with the: <ul style="list-style-type: none"> • <i>Independent Commission Against Corruption Act 1988 (NSW)</i>; • <i>Ombudsman Act 1974 (NSW)</i>; and • <i>Public Interest Disclosures Act 1994 (PID Act)</i> |
| Serious offence | An offence punishable by imprisonment for 12 months or more. |
| Workplace | A workplace is a place where work is carried out for a business or undertaking and includes any place where a member goes, or is likely to be, while conducting NSW SES functions. Place includes: <ol style="list-style-type: none"> (a) A vehicle, vessel, aircraft or other mobile structure, and (b) Any waters and any installation on land, on the bed of any waters or floating on any waters. |
| External oversight agencies | Includes but is not limited to the NSW Ombudsman, Independent Commission Against Corruption (ICAC), Public Service Commission (PSC), and NSW Treasury. |
| Contractor | Any person who performs work for NSW SES either as; an independent contractor or an employee of an independent contractor. |

| Term | Definition |
|-------------------|--|
| Member | <p>A Member of NSW SES both volunteer and/or employee. All NSW SES Members are considered public officials in accordance with the provisions of the:</p> <ul style="list-style-type: none"> • <i>Independent Commission Against Corruption Act 1988</i> (NSW); • <i>Ombudsman Act 1974</i> (NSW); and • <i>Public Interest Disclosures Act 1994 (PID Act)</i> (NSW). |
| Misconduct | <p>NSW SES considers misconduct to include:</p> <ul style="list-style-type: none"> • A contravention of any provision of the <i>Government Sector Employment Act 2013</i> (NSW), <i>Government Sector Employment Regulations 2014</i> (NSW) or <i>Government Sector Employment Rules 2014</i> (NSW); • Performance of duties in a manner which contravenes the provisions of SES NSW policies and procedures, in particular the <i>NSW SES Code of Conduct and Ethics and Statement of Values – TARPS</i>; • Safety breaches; • Taking detrimental action against a person that is substantially a reprisal for the person making a public interest disclosure within the meaning of the <i>Public Interest Disclosure Act 1994</i> (NSW); and • Taking any action against another person that is substantially in reprisal for an internal disclosure, complaint or grievance made by that person. |

3. Scope

This policy applies to all members involved in any part of the internal grievances process. This includes our interactions with grievants and other members (including Controllers/Managers/Directors) as well as the information provided to them about the process, progress and outcome/s of their grievance.

External complaints, allegations of misconduct, and public interest disclosures are not covered by this policy. Section 5. *Related Internal Documents* lists the policies which cover these issues. This policy does not cover external reviews, court or tribunal decisions, opinions or comments made as feedback, or, service requests.

4. Policy Statement

NSW SES is committed to providing innovative emergency services to an engaged community. Key to meeting this commitment is using complaints information, including internal grievances, as a way to correct our mistakes and improve our services, complaints management and the development of our members.

This policy is designed to assist all members and Controller/Managers/Directors to assess initial concerns and work to resolve them or refer more serious matters to Professional Standards.

Principles

4.1 Value and Facilitate Internal Grievances

Feedback, including grievances, helps us to improve our services, grievance management and member development.

All concerns raised in grievances to or about us will be dealt with:

- in a reasonable timeframe;
- without detriment to a member because they have raised a grievance; and,
- through an equitable and accessible process

4.2 Respond to Internal Grievances

Members will respond to grievances in a manner which is fair, courteous and respects both the privacy of the grievant and their right to express their concern.

Members will fulfil their obligations under the *NSW SES Code of Conduct and Ethics* by:

Early Resolution

Resolve grievances at the earliest opportunity - promptly and informally:

- fixing a problem early increases member satisfaction and minimises the stress and trauma to all parties involved in the grievance management process
- early resolution makes the most effective use of NSW SES resources by minimising the likelihood of less serious matters escalating in seriousness or the level of complaints management unnecessarily
- empowering members to resolve grievances themselves, and to implement change to reduce them in the future, also supports morale amongst members

Responsiveness and Flexibility

- promptly and courteously acknowledging receipt
- assessing urgency and seriousness
- informing the grievant as soon as possible of process and timeframes
- flexible, creative approaches to problem solving including work practices

Effective Communication

Communicate effectively with grievants and other members throughout the grievance process as this can help avoid grievances escalating further:

- keep grievants informed about the progress of their matters, particularly when delays occur
- clarify with the grievant the outcome that he or she is seeking, especially when it has not been clearly specified
- a written response to the grievant is important if the matter has not been resolved early and informally

We all have roles and responsibilities for responding to grievances. Some members will be responsible for receiving a complaint, and need to know the extent of their authority to resolve it on the spot. Other members will be responsible for assessing complaints or for referring more serious matters to the Manager, Professional Standards, for review and further advice.

Fairness and impartiality

- equitable, objective and unbiased treatment of the grievant and thorough assessment of the issues
- focus on the substance of the grievance and its resolution
- never retaliatory against a grievant
- providing enough information to a grievant to allow them to respond to issues raised
- providing members the opportunity to provide information and their views in relation to a grievance concerning them

Recordkeeping

Keep accurate and complete records for effective, accountable responses:

- Controllers/Managers/Directors should register all grievances in the local Complaints Register
- Safe and secure storage of all documents – locked cabinets or rooms or electronic folders

Confidentiality

- protecting the identity, personal information and grievance/management details – treat as strictly confidential and on a 'need to know' basis

Members are to follow the process set out in the *NSW SES Internal Grievances Procedures and Supporting Documentation* in fulfilling the above principles.

4.3 Manage the parties to Internal Grievances

All NSW SES members are to make sure that their involvement in the grievance management process reflects our Values: Trust, Accountability, Respect, Professionalism and Integrity, Safety and Service.

There are three levels at which complaints may be managed by NSW SES members:

Level 1 (preferred level) - local (Unit/Region/Directorate) grievance management with an early resolution, preferably at the earliest opportunity (between the member and the grievant).

Level 2 – internal (Professional Standards Unit) grievance management and/or investigation

Level 3 – external review of grievance and/or grievance management

Where complaints involve multiple related parties: we will try to arrange to communicate in the most appropriate way with various members that safeguards the confidentiality of all members concerned; the integrity of the assessment and management of the grievance; and sensitivity to the grievant and other members.

Managing unreasonable conduct by grievants: NSW SES *Managing Unreasonable Complainant Conduct Policy and Procedures* refers.

Responding to vexacious complaints: complaints which are found to be without reasonable cause still require NSW SES members to apply the standards under *Section 4.2 Respond to Complaints*.

4.4 Continuous improvement

NSW SES is committed to the analysis of its records regarding grievances raised, management and outcomes of grievances, to monitor trends and identify areas for improvement.

5. Related internal documents

Related internal documents:

- Complaints Management Framework
- Internal Grievances Procedures and Supporting Documentation*
- External Complaints Policy
- External Complaints Procedures and Supporting Documentation*
- Misconduct and Serious Offences Policy
- Misconduct and Serious Offences Procedures and Supporting Documentation*
- Code of Conduct and Ethics
- Controller's Guide - Volunteer Membership Policy
- Bullying and Harassment Policy

*includes flowchart, factsheet and required forms

6. More information

Related legislation:

- *Anti-Discrimination Act 1977 (NSW)*
- *Crimes Act 1900 (NSW)*
- *Government Information Public Access Act 2009 (NSW)*
- *Government Sector Employment Act 2013 (NSW)*
- *Government Sector Employment Regulations 2014 (NSW)*
- *Government Sector Employment Rules 2014 (NSW)*

- *Independent Commission Against Corruption Act 1988 (NSW)*
- *Ombudsman Act 1974 (NSW)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Public Finance and Audit Act 1983 and Regulation 2010 (NSW)*
- *Public Interest Disclosures Act 1994 (NSW)*
- *State Emergency and Rescue Management Act 1989 (NSW)*
- *State Emergency Service Act 1989 (NSW)*
- *State Records Act 1998 (NSW)*
- *Work Health and Safety Act 2011 and Regulation 2011 (NSW)*

7. Support and advice

Policy Support and advice

Members can get advice and support about anything in this policy from:

- Your Controller, Manager, or Director
- Manager, Professional Standards – People and Culture Directorate
- Director, People and Culture
- Manager, Strategy, Planning and Innovation

Controllers/Managers/Directors will provide or arrange all reasonable assistance to members who need help to effectively communicate in relation to a grievance. Assistance may include, for example, access to an interpreter service or a personal interview during which details of a complaint can be written down on the grievant's behalf.

Personal Support and Advice

While NSW SES intend that this policy and its related procedures will ease the burden on all involved in a grievance, we acknowledge that both the grievance process and the circumstances which gave rise to a grievance can be difficult to deal with.

We are committed to supporting our members throughout the grievance process. Attached at [Appendix 1](#) to this policy is a contact list of support services where you or a person you are dealing with can get help.

Further Advice and Advocacy – Oversight Bodies

Attached at [Appendix 2](#) to this policy is a contact list of complaints oversight bodies with a short statement about their role and functions.

Document control sheet

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Version History

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| V0.1 | 17 June 2016 | Samantha Maddocks Policy Officer, SPI | Separation of policy statement from procedures; reduction of number and content of policy principles; complies with current Draft Policy Framework. |

Approvals Required for this Document

| Name | Title | Date | Version signed off |
|------------------|---------------------------------|-----------|--------------------|
| Gary Bevan | Manager, Professional Standards | 2/12/2016 | V1.0 |
| Kathleen Iacurto | Director, People and Culture | 2/12/2016 | V1.0 |
| Greg Newton | Acting Commissioner | 5/12/2016 | V1.0 |

Appendix 1 – Support Services

If you are a NSW SES member and are experiencing personal difficulties, you can get 24/7 free help by calling the following internal hotlines:

- Critical Incident Support Program (volunteer members only): 1800 626 800
- Chaplaincy Program (volunteer members only): 1800 626 800
- Employee Assistance Program (paid members only): 0407 111 003

NSW SES members can get 24/7 free help by contacting the following external hotlines or websites (refer complainants where they indicate they need help):

- Lifeline on 13 11 14 or www.lifeline.org.au
- Beyondblue on 1300 22 4636 or www.beyondblue.org.au
- Kids Helpline (5-25 years) on 1800 55 1800

Other Information and Support

Indigenous Disability Advocacy Service (IDAS)

Phone: 02 4722 3524 Fax: 02 4722 6126

Email: idas@idas.org.au Web: www.idas.org.au

Blind Citizens Australia

Toll free: 1800 033 660 Phone: 03 9654 1400 Fax: 03 9650 3200

Email: bca@bca.org.au Web: www.bca.org.au

Kids Helpline

Toll free: 1800 55 1800

Web: www.kidshelpline.com.au

Multicultural Disability Advocacy Association

Phone: 02 9891 6400 Toll free: 1800 629 072 TTY: 02 9687 6325 Fax: 02 9897 9402

Email: madaa@madaa.org.au Web: www.madaa.org.au

Information and Privacy Commission NSW

Phone: 1800 472 679 Fax: 02 8114 3756

Email: ipcinfo@ipc.nsw.gov.au Web: www.ipc.nsw.gov.au

NSW Ombudsman

Phone: 02 9286 1000 Toll free: 1800 451 524 (outside Sydney metro)

TTY: 02 9264 8050 Fax: 02 9283 2911

Email: nswombo@ombo.nsw.gov.au Web: www.ombo.nsw.gov.au

Appendix 2 – Complaint Oversight Bodies

Anti-Discrimination Board

Investigates and conciliates complaints of discrimination, harassment and vilification.

Level 4, 175–183 Castlereagh Street Sydney NSW 2000

PO Box A2122 Sydney South NSW 1235

Toll free: 1800 670 812 (within NSW) TTY: 02 9268 5522 Fax: 02 9268 5500

Email enquiries: adbcontact@agd.nsw.gov.au

Email complaints: complaintsadb@agd.nsw.gov.au

Web: www.antidiscrimination.justice.nsw.gov.au

Australian Human Rights Commission

Handles complaints of discrimination and breaches of human rights under the federal anti-discrimination legislation, including disability, sex, race and age.

Level 3, 175 Pitt Street Sydney NSW 2000

GPO Box 5218 Sydney NSW 2001

Phone: 02 9284 9600 or 1300 369 711 Fax: 02 9284 9611 TTY: 1800 620 241

Infoline: 1300 656 419

Email: infoservice@humanrights.gov.au Web: www.humanrights.gov.au

NSW Ombudsman

Phone: 02 9286 1000 Toll free: 1800 451 524 (outside Sydney metro)

TTY: 02 9264 8050 Fax: 02 9283 2911

Email: nswombo@ombo.nsw.gov.au Web: www.ombo.nsw.gov.au