



Internal Grievances Procedures

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Internal Grievances Procedures

Summary

These procedures are intended to be read by NSW SES members ('members') along with our *Internal Grievances Policy*. Members should firstly check our *Complaints Management Framework*, to see if these procedures deal with the particular concern that has come to their attention.

The Procedures set out the process and timeframes which all members must follow when they are involved in any stage of internal grievance ('grievance') management.

The five-stage process includes:

- | | | |
|----------------------------------|--|----------------------|
| 1. Grievance raised | | Refer to record- |
| 2. Acknowledge grievance | | keeping requirements |
| 3. Assess and Address grievance | | and specific role |
| 4. Provide reasons for decisions | | responsibilities |
| 5. Redress and close grievance | | for each stage. |

Grievances may be handled at one (or more) of three different levels, depending on the nature and seriousness of the grievance. Members are to follow the five-stage process above, across the three levels:

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

Level 2 – internal (Professional Standards Unit) investigation of 'serious' matters (*Internal Grievances Flowchart* refers).

Level 3 – redress available through external review of internal grievances and/or grievance management.

Confidentiality

All members managing a grievance must keep confidential the identity of those involved as well as the grievance details.

Support and Advice

For support and advice on the Procedures or involvement in the grievance process, refer to 7. *Support and Advice*, Appendix 1 – *Support Services* and Appendix 2 – *Complaint Oversight Bodies*.

These Procedures do not cover (5. *More Information* refers):

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

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1. Purpose

The *Internal Grievances Procedures* details the process for managing internal grievances ('grievances') and should be read in conjunction with the *Internal Grievances Policy* and used with the *Internal Grievances Supporting Documentation*.

The Procedures ease the burden of grievance management on its members by providing a clear way forward in responding to grievances.

Compliance with these procedures will mitigate against the risks of member dissatisfaction; unnecessary escalation of grievances; loss of trust by members and possibly the general public in the value NSW SES places on grievances as one type of complaints; and, external oversight agency criticism.

Compliance with these procedures 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.
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

Term	Definition
	how the NSW SES is to function. Compliance is mandatory.
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.
External oversight agencies	Includes but is not limited to the NSW Ombudsman, Independent Commission Against Corruption (ICAC), Public Service Commission (PSC), NSW Treasury, and the Audit Office of NSW.
Dispute	An unresolved internal grievance that may have been escalated internally or externally.
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: <ul 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.

3. Scope

These procedures apply to all members involved in any part of the grievance process. This includes our interactions with grievants and other members, as well as the information we provide them about the process, progress and outcome/s of the grievance.

External complaints, allegations of misconduct and serious offences, and public interest disclosures are not covered by these procedures (6. *More Information* refers).

4. Procedure Statement

All members may at some stage wish to: raise a grievance; need to respond to a grievance; need to provide information or advice; and/or, make and communicate decisions regarding grievances.

It is important that members deal with grievances in a fair and courteous manner which respects members' rights to: express their dissatisfaction; privacy; information about our grievance process; and, reasons for decisions.

This should be done in accordance with these procedures and other documents (6. *More Information*).

4.1 Three levels of grievance management



Grievances may be managed at one (or more) of three different levels, depending on the nature (seriousness) of the grievance.

Level 1 is our preferred level for members to resolve grievances:

Most grievances will initially present as Level 1 matters, where the grievant expresses their dissatisfaction directly to the member concerned.

All members are responsible for local (Unit/Region/Directorate) grievance management, with the goal of an early resolution, ideally at first contact (between the grievant and the member/s concerned).

4.2 The five key stages of our grievances process

All members will follow the following five-stage complaints process regardless of which of the three Level/s a grievance is handled at:

The five-stage process includes:

1. **Grievance raised**
2. **Acknowledge grievance**
3. **Assess and address grievance**
4. **Provide reasons for decisions**

Refer to record-keeping requirements and specific role responsibilities

5. Redress and close grievance

for each stage.

4.3 Recordkeeping

Important: the requirements below apply to any instruction to file, store or handle grievance records in these procedures, once a grievance has been put in writing.

Members handling (receiving, creating or sending) written grievance-related records, both paper copies and electronic copies must ensure that its physical security and its confidentiality is safeguarded at all times.

This includes keeping and maintaining such records in the following way:

- all grievance documentation (complaint forms, emails, letters, supporting information, file notes) to be saved electronically AND filed in hard copy files AND noted on the Complaints Register;
- the date documentation is received by a member to be stamped or marked (at time of receipt). Saved/printed emails to include sender date/details;
- all records stored in a locked cabinet, secure area and computer-based file only accessible by members on a need-to-know basis – including files, folders, computer spreadsheets, information contained on whiteboards or any other grievance related material;
- all files to be clearly and consistently labelled by grievance number and open or closed grievance files, so that complaints records can be readily reported on, noting next point below;
- At no time is the identity of the grievant, subject member/s or any other person associated with the grievance to be included in any document title or records management system (e.g. TRIM);
 - all grievance file numbers are recorded in the Complaints Register - in the format: YYYYMMDDinternal_grievance_00001 (check for next number);
- meetings where grievances are discussed to be held in locations where conversations cannot be overheard;
- appropriate methods to deliver confidential correspondence are used, for example, personally handed to a member by the Region Controller, Unit Controller or Director/Manager, or using secure mail;
- computers accessible to all staff are not used for grievances without taking precautions;
- grievances are not recorded in phone log books or in other shared locations; and,

Documentation, in File Notes, Forms and the Complaints Register, should include:

Those managing grievances need to maintain the appropriate documentation. The type of documentation and level of detail will depend on the type of grievance, whether it was managed formally, the level of complexity, and those involved.

This can range from a simple diary note to more detailed notes kept locally, or to dedicated file notes and documentation files. The person doing the information gathering should keep a record of the findings and the process followed to manage and resolve the grievance.

In particular:

- Key step/s taken to manage the grievance
- Key points of information obtained when looking into the matter
- Options activated to resolve the grievance and timeframes
- Any process review, either by local management or granted by Professional Standards

The purpose of such documentation is to:

- Allow for a review of the management of a grievance if the review process is activated
- Provide access to relevant information if the same grievance is lodged again at a future time, or the grievance worsens despite all efforts to resolve it
- Provide information to support the organisation's actions, should the grievance end up in an external forum.

4.4 Accessible Grievance Process

4.4.1 General support

All grievants should be offered support and any practical assistance required to make their grievances – members, Controllers/Managers/Directors are to provide or arrange such assistance. Consideration should be given to the additional needs of younger and elderly members, members with a disability, members of diverse cultural and linguistic (language) background/s, and members with literacy difficulties.

For example, referral to and working with an interpreter service or a personal interview where details of a grievance can be written down on the grievant's behalf by another member.

4.4.2 Translating and Interpreting Service (TIS) and the National Relay Service (NRS)

Where a grievance is received verbally and it is apparent that the grievant speaks a language other than English and/or has difficulty speaking or understanding English, the Controller/Director/Manager must:

- advise the grievant to contact the Translating and Interpreting Service (TIS) themselves on 131 450. This also applies to members responding to a grievance.
- Also provide the grievant at that time with the phone number and email address to be used by the TIS when assisting a grievant in making their grievance. Email: complaints@ses.nsw.gov.au Phone: (02) 42 516 111 (NSW SES Operations Centre Switchboard) or (02) 42 516 661 (Manager, Professional Standards, Monday-Friday).

The National Relay Service (NRS) is a free service which can be accessed by or arranged for grievants. Our website contains all contact details for the NRS. 'Speak and Listen' users can Phone: 1800 555 727 and 'Internet Relay' users can use: internet-relay.nrscall.gov.au/

4.5 Grievances coverage

As a member of NSW SES, you may from time to time become aware that someone is dissatisfied with:

- Your decisions or those made by members you supervise/manage;
- Your conduct or that of members you supervise/manage, including the quality of service provided;
- Your communications/dealings with the grievant or those of members you supervise/manage; or,
- The application of NSW SES practices, policies and procedures.

4.5.1 Ways grievances may be received

All members must respond to any grievance that is raised with them by another member or another member's representative, advocate or support person, which may include:

- Direct contact made with you face to face or by phone
- Contact made with your Controller, Manager or Director
- Contact made with you regarding a member you supervise/manage
- Contact made with the Manager, Professional Standards via:

Email	Phone	Mail
complaints@ses.nsw.gov.au	02 42 516 661 (external)	Manager, Professional Standards People and Culture Directorate NSW SES State Headquarters PO Box 6126 WOLLONGONG NSW 2500
gary.bevan@ses.nsw.gov.au	16661 (internal)	

Important: As all grievances should be handled locally with the member concerned first (except with 'serious' matters per the *Internal Grievances Flowchart*), the Professional Standards Manager will refer less serious matters to members/Controllers/Managers/Directors for local resolution.

4.5.2 Matters that do not require a response

Members need not respond to issues raised "for information only" where it is clear that a response is not sought or expected.

4.6 Level 1 Grievances (local management/early resolution)

4.6.1 Stage 1 - Receipt

4.6.2 Ways a Level 1 grievance may be received

All grievances except 'serious' matters (*Internal Grievances Flowchart* refers) should be handled at the local level, however, there are a number of ways grievances may be made and points they may be received at.

4.6.3 Receipt of verbal grievances (phone or face-to-face)

Members must treat verbal grievances just as seriously as written grievances, and:

Where the grievance is resolved when it is initially raised with the member:

- No written record is required, except if one member wishes it to be registered.

Where the grievance cannot be resolved when it is initially raised:

- The grievant will state their grievance in writing; or,
- A member, Controller, Manager or Director will take down the grievance for a grievant in their own words, and check that the details taken down accurately reflect their concerns, if additional support is needed per *4.4.1 General Support* and *4.4.2 Translating and Interpreting Service (TIS) and the National Relay Service (NRS)*.

4.6.4 Registration of written grievances OR verbal grievances where a member requests registration



At first contact OR day of receipt of grievance

The member will register the complaint in the local **Complaints Register**.

The member will record the following details on the **Grievance Form** (refer *Supporting Documentation*):

- the contact information of the grievant (or his/her support person)
- the date of the grievance
- issues raised by the grievant and the outcome/s he/she desires
- any other relevant information
- any additional support the person making a grievance requires
- the grievance number, in the format: YYYYMMDDexternal_complaint_00001 (the local Complaint Register should be checked to determine the next number to be used)
- information in the above points should be transcribed into the *Grievance Form* from emails/letters raising grievances, for easy access to key grievance information.

Important: It is important to register the complaint and file any documents, to ensure that Professional Standards and oversight agencies can appropriately monitor the existence and progress of grievance.

4.6.5 **Stage 2 - Acknowledge**

4.6.6 Advice to grievants

Following receipt of a grievance, Controllers/Managers/Directors must explain (or ask an interpreter to explain) to grievants:

- our acknowledgment of their grievance
- our intention to respond to his/her grievance OR advice of where such issues may be directed (if known and appropriate)
- our grievance management process
- expected timeframes for our actions, including any expected delay
- their involvement in the process
- the name and contact details of the Controller/Manager/Director managing their grievance
- possible or likely outcome/s of their grievance

Controllers/Managers/Directors will also advise a grievant as soon as possible when we are unable to meet our timeframes for responding to a grievance and the reason for our delay.

How members must provide the acknowledgement and advice listed above (verbally or written), is specified in 4.6.7 *Acknowledgement process* below.

4.6.7 Acknowledgement process

A member who receives a grievance is responsible for its acknowledgement as per the following process and timeframes:

Acknowledgement of verbal grievances (phone or face-to-face) – resolved at first contact



At first contact - verbal acknowledgement (during first conversation)

Members do not need to prepare written acknowledgement of a verbal grievance that is resolved locally at first contact.

Acknowledgement of verbal grievances (phone or face-to-face) – not resolved at first contact and referred to local Controller/Manager/Director**



2 working days (from first contact) - verbal acknowledgement

**Members who need to refer a grievance to the Controller, Manager or Director after attempting to resolve the complaint OR first contact resolution is not appropriate due to the seriousness of the grievance, must:

- provide the Controller/Manager/Director the grievant's name and phone number
- Complaints Register – update date/details of advice provided/to whom

Controllers/Managers/Directors who have had a verbal grievance referred to them for resolution, must:

- ensure the procedures under 4.6.1 *Stage 1 – Receipt* have been completed
- make contact with the grievant
- further update Complaints Register - details of contact and outcome

Controllers/Managers/Directors do not need to prepare written acknowledgement of a verbal grievance that is resolved locally within 2 days.

Acknowledgement of written grievances (hand delivered) – resolved at first contact



2 working days (from first contact) - written acknowledgement

Must be acknowledged by the member who resolved the grievance:

- prepare and send the grievant an *acknowledgement letter* – including a brief description of the resolution/outcome (refer *Supporting Documentation*)
- update Complaints Register – date acknowledgement letter sent

Acknowledgement of written grievances (email or mail) - referred by Manager, Professional Standards to Region/Directorate for local resolution

Grievances received by the Manager, Professional Standards, through complaints@ses.nsw.gov.au



24 hours (from first contact) - emailed acknowledgement

Complaints received by the Manager, Professional Standards, through SHQ – PO Box 6126, Wollongong NSW 2500



7 days (from first contact) - acknowledgement letter

The Manager, Professional Standards or delegated member will (before forwarding on to relevant Unit/Region/Directorate for individual members to attempt resolution):

- prepare and send the grievant an *acknowledgement email* or *acknowledgement letter* (refer *Supporting Documentation*)
- Professional Standards Complaints Register – date acknowledgement email or letter sent

4.6.8 Stage 3 – Assess and Address

Contact the grievant to clarify grievance, assess, and gather information.



7 days (from first contact) – phone if possible/if not, by email. Set a meeting if preferable to a phone or emailed conversation. Goal = two-way clear, respectful, informative communication. **Refer to the TIPS (p. 18) for communicating with one another.**

4.6.9 How to assess grievances

Firstly, consider whether the concern raised is a grievance or, if it should be managed under another policy and procedures:

Grievance management is meant to deal with relatively minor workplace issues or concerns. Therefore it is important to distinguish between workplace grievances and other more serious matters. Grievance management must not be confused with other management processes.

Matters that should not be dealt with as a grievance, and which involve separate procedures, include (but are not limited to):

- Incidents of violence, or of a potentially criminal nature
- Serious bullying, harassment or discrimination
- WHS concerns
- Allegations of misconduct, fraud, corruption, maladministration or substantial waste
- External complaints (by members of the public)
- Child protection related matters
- Public Interest Disclosures as defined by the *Public Interest Disclosures Act 1994*
- Performance management or disciplinary matters

Considering the following questions may assist in determining whether these Procedures cover the concern/s raised:

- Does the matter involve negligence or incompetence?
- Does the matter relate to a breach of workplace policy including the code of conduct?
- Does the matter involve an allegation of fraud, corruption, substantial waste or maladministration?
- Is the matter potentially of a violent and/or criminal nature?
- Is the matter a protected disclosure as defined in the Protected Disclosures Act 1994?
- Does the matter relate to a child protection issue?
- Does the matter relate to a potentially significant breach of WHS legislation?

Important: If the answer to any of the above questions is yes, then the matter should not be managed as a workplace grievance, and should be promptly referred to the Manager, Professional Standards or the Manager, WHS. Such matters will be managed in accordance with other appropriate policies and procedures (refer 6. *More Information*).

Check whether the same grievance been raised before:

- Once a matter has been determined to be a grievance that should be managed under these Procedures, a search/check of the Complaints Register should be carried out to determine whether the same grievance has been raised before.
- If so, gather and consider information about the outcome of the previous management of the issue/s.

To determine whether any form of interim risk management action should be taken, consider these factors when conducting the initial assessment:

- Does the grievance allege or suggest bullying, intimidation, or, offensive, humiliating or threatening behaviour, discrimination or sexual harassment?
- Does the grievance relate to a breach of workplace policy including the Code of Conduct?
- Does the grievance relate to a serious work performance issue?

If the answer to any of the above is yes, then such issues should be highlighted to the Manager, Professional Standards. Options for action that could be taken to manage risks, regarding potential impacts on other members, and/or the organisation, should also be discussed with the Manager, Professional Standards.

4.7 Information gathering

Once the initial assessment has determined that it is appropriate to manage the grievance under these grievance procedures, the facts of the matter need to be determined as far as possible. The purpose is to determine whether there is a reasonable basis for the grievance, and to help determine the most appropriate option/s for speedy resolution.

While the degree of formality will depend on the nature of the grievance and those involved, when gathering information, focus on:

- How information can be gathered fairly and impartially, by a competent person
- How to maintain appropriate confidentiality
- How to ensure appropriate documentation and secure recordkeeping occurs (4.3 *Recordkeeping* refers)
- That both parties are given full opportunity to have their say
- Speaking to those identified by either party as having information relevant to the grievance
- Gaining all relevant information, with the objective of affecting a prompt and durable resolution of the matter/s

Gathering information that answers the following questions may also assist in determining the most appropriate way to address and manage the concern/s raised in a grievance:

- How often has the alleged undesirable behaviour taken place?
- How long has the alleged undesirable behaviour been going on?
- How long has it been since the alleged incident/s took place?
- How many people are involved?
- What are the roles, responsibilities and relationships of those involved?
- How is the issue/s impacting on those involved (the grievant and other member/s)?
- Has the same grievance been raised before (per search/check of the Complaints Register)?
- What action, if any, has already been taken in relation to the grievance?
- What are the expectations of the grievant?
- What are the potential consequences of the matter?

Where the grievance is lodged against the Controller/Manager/Director, OR he/she feels that they may not be able to be impartial or objective OR be seen to be impartial in assessing the grievance or seeking further information, they should seek advice from the Manager, Professional Standards who will assess the matter and manage any grievance.

4.7.1 Deciding how to address grievances

After gathering relevant information, consider the following when assessing how to address a grievance:

- how serious, complicated or urgent the grievance is
- whether the grievance raises concerns about people's health and safety
- how the person making the grievance is being affected
- the risks involved if resolution of the grievance is delayed
- whether advice from Professional Standards should be sought before taking action
- whether the seriousness of the grievance warrants immediate referral to the Manager, Professional Standards

Separation of serious, performance or disciplinary matters from grievances:

Serious matters should not be managed via these Procedures. As some of the above questions suggest, information relating to the history, frequency, severity, duration and impact of the incident/s or behaviour/s on the individuals or the workplace may determine that the matter has become more serious than a grievance, and needs to be handled accordingly.

Where investigation of what initially appears to be a workplace grievance uncovers matters of a more serious nature, then grievance management should immediately cease and the matter should be referred to a more relevant management process (e.g. disciplinary process, performance management, immediate police or child protection report of serious offences).

If a staff member raises a grievance, as defined by this document, about the way a discipline or performance management issue is being managed, the issue should be looked at, but the performance management or disciplinary process should continue independently.

Respond flexibly

Members should work together to resolve grievances promptly and with as little formality as possible. This includes adopting flexible approaches to work delivery and problem solving to enhance accessibility for grievants and/or their support persons.

Members will assess each grievance on its merits when considering how best to manage each, and involve people making grievances and/or their support persons in the process as far as possible.

Which actions we decide to take will be tailored to each case and take into account any statutory requirements.

4.7.2 Ways grievances may be resolved or addressed

After gathering and considering relevant information, decide on and take action



14 days (from date grievance raised) - local resolution of grievant's issue/s

Requirements for Controllers/Managers/Directors speaking with members who are the subject of a grievance

- explain the grievance and resolution process to the member
- provide the member with appropriate support
- inform the member of any claims or allegations concerning him/her, with sufficient information to properly respond
- instruct the member not to discuss the matter with others, with the exception of seeking welfare-related assistance
- consider having the member/s sign relevant documentation (e.g. file notes) to indicate its accuracy.

Options for grievance resolution:

A range of options exist to assist Controllers/Managers/Directors to resolve grievances promptly and effectively. Because of the diversity of issues and personalities that can be involved, it is important that each grievance is considered individually, to determine the best option/s to resolve it.

Managers should answer the following questions when considering the options for resolution:

- Based on the information obtained, what may be the best way to resolve the grievance?
- Do the findings identify the need for training, changes to work processes or administrative procedures?
- Will mediation or facilitation assist in the resolution of the matter?

Options can be as varied as the issues raised, and can include:

- Giving the grievant information they are seeking or an explanation about an issue
- Encouraging the grievant to try and resolve the issue him/herself, which can benefit the outcome of many minor issues e.g. in minor interpersonal matters (see example A)
- Encouraging/facilitating local resolution between the grievant and other member/s concerned, prior to moving to more formal management of the grievance where appropriate, e.g. minor workplace matters (see example B)
- Mediation - a voluntary, informal and confidential process where an appropriately skilled mediator assists people in conflict to identify, isolate and openly discuss issues under dispute, and to identify and if possible agree on potential options to resolve these issues. Mediators are neutral assistants, who do not make judgements nor impose decisions. They can be a trained internal person or an outside professional mediator. E.g. where the above options are not appropriate, or have not been successful (see example C)
- Making minor administrative or work process changes, e.g. where there is perceived unfairness in work arrangements, or to address minor WHS issues etc (see example D and example E)
- Provision of information, education and training, e.g. where a lack of knowledge of workplace policies and/or procedures, roles and responsibilities or cultural issues have lead to/contributed to the grievance (see example F and example G)
- The investigation of grievances can raise number of issues. Therefore it is important that a holistic approach - a combination of the above - is taken (see example H).

Example A – Self resolution

A member complains to his manager that a second member plays his radio during the workday within the Region office, affecting the grievant's ability to do his work i.e. it is distracting. The manager asks the grievant if he has raised the matter with the second staff member, to be advised that he has not. An option would be for the manager to suggest that the matter might be simply resolved by the grievant quietly and politely requesting that the other member turn his radio down, or use earphones, explaining why.

Example B - Facilitation

A member raises with his manager that he feels his recently appointed supervisor speaks rudely to him, on one occasion in front of other people, which caused him some embarrassment. The member says he has tried to raise it with the supervisor, but is not quite sure how to go about it, and feels uncomfortable at the thought of it. An option would be for the manager, with the agreement of the member, to speak to the supervisor on his behalf, and if necessary, facilitate a two-way dialogue between them to resolve the matter.

Example C - Mediation

Two members of a team working together on a major project, have on occasion over the previous couple of months argued over who agreed to do what, how, and when. The situation came to a head when one member raised a grievance with the manager about the other member. The manager gathered information on the issue, speaking to both staff members and the project support person, and reviewing paperwork related to the project. It became apparent that the two members had different styles of working and communication, and, often misinterpreted points of agreement. Added to this was a lack of notes from project planning sessions, including allocation of tasks and agreed timeframes. A range of other interpersonal issues became evident, and history of a very poor working relationship in a previous work area, with unresolved issues, also came to light. In such cases, mediation may be a useful way of allowing both members to air their grievances and work on possible solutions and agreed processes when working together.

Example D – Administrative changes

There is a regular collection point near the exit of a Unit for disused boxes, which are collected weekly. A staff member raises with the person collecting the boxes that they constitute a WHS issue (blocking easy egress) and should be collected more frequently, to which the collector replies that their collection procedure only allows for a weekly collection. The member subsequently raises a grievance about this to his Controller. As this is a relatively minor matter, an option may be for the supervisors of both areas to review the location of the collection point and collection procedures, with the objective of putting more appropriate procedures in place. **Note:** Serious WHS issues should not be managed as workplace grievances, but should be reported to the Manager, WHS.

Example E – Work process changes

A member regularly starts early and takes the easiest and/or most interesting jobs, regularly leaving the more difficult or boring tasks to another member, who commences later. The member raises the issue with the other staff member, to be told 'first in, first served'. The grievant, who has child care responsibilities and cannot commence work any earlier, raises the grievance with their manager that he is being treated unfairly, and is being discriminated against because of his child care needs. An option may be for the manager to discuss the matter with both members in terms of the need for workplace equity, and the increased skills and experience that access to a full range of tasks represents for both of them, and to put protocols in place for improved communications to all his/her staff and fairer allocation of work.

Example F – Need for information and training

A new member, previously working in the private sector, has recently commenced work, and on a number of occasions has told sexist jokes in the work environment. Another member has requested that this person stop telling such jokes in the open area, to which the person responded that nobody else minded and to not be such a whinger. The member subsequently raises the matter with their manager, who looks into the matter. The findings suggest that the individual may not understand the potential seriousness of the behaviour, or the workplace legislation and policies that address such matters (Anti Discrimination, EEO, Code of Conduct), possibly because he has not yet attended induction training. The relevant policies should be promptly brought to the attention of the individual. Depending on the individual's response to the information, further training in the area may be necessary. However, it is important that these matters are dealt with in a balanced way, and that the individual is not made to feel belittled or disparaged for what may have been a case of genuine lack of awareness.

Example G – Need for guidance and education

In example E, if the information gathered suggests that the member is aware of such policies and procedures but appears to have a lack of understanding, or little respect for, their significance, a different approach may be required. It may still be appropriate to draw attention to the key principles and related policy requirements, but at the same time making it clear that a manager's responsibility is to ensure that such policies are understood and implemented by members, and outlining the expected future behaviour, and potential consequences should the policies be breached.

Example H – Provision/flow of information, access to training and development, work allocation, and communication

A part time member raises with her manager that another member of similar level, though working full time, is controlling the amount of information that she is receiving, delegating the least interesting tasks to him and basically making assumptions about what training information should be made available to her. Because this grievance touches on a range of issues, a number of options may need to be utilised, possibly including:

- Development of clear communication protocols and the opportunity for facilitation to try to improve the relationship
- More formalised interaction between the manager and the part time member to ensure appropriate task allocation
- Provision of information to the full time member on equal opportunity principles Ensuring that the part time member has access to all relevant workplace training and development opportunities

COMMUNICATION TIPS FOR MEMBERS ...

- ✓ Try not to react by becoming defensive or reactive
- ✓ Members should listen to the grievant and give them the opportunity to explain the issues and express feelings – people appreciate the chance to be heard
- ✓ Do not offer solutions before the grievant has had an opportunity to finish what they have to say and explain what they want (active listening)
- ✓ Exchange facts and beliefs
- ✓ Grievants may be vulnerable and need support and encouragement to speak out
- ✓ Offer the opportunity to have an advocate or support person present at meetings
- ✓ Find out what outcome the grievant would like at the beginning of the process, e.g. to have their views heard – this can lead to faster resolution and better management of expectations
- ✓ Grievants should also exercise active listening to a member's response to the concerns they raise
- ✓ Grievants should be open to the possibility that, while a member's behaviour/actions have caused them hurt, that may not have been the intention behind the behaviour/action – members should be given an opportunity to discuss possible changes
- ✓ A sincere, timely apology can de-escalate a situation

4.7.3 Communicating progress with grievants

Controllers/Managers/Directors will keep the grievant up to date on our progress, particularly if there are any delays. We will also communicate the outcome of the grievance in the most appropriate way and as per *4.7.3 Stage 4 - Provide Reasons for Decisions*.

File Notes - regular progress updates



Regularly throughout the grievance resolution process – using the most appropriate means

The Controller/Manager/Director handling the grievance will record on file notes:

- the receipt of any new information
- any phone conversations
- any interviews
- any outcomes or decisions

4.7.4 **Stage 4 – Provide Reasons for Decisions**

4.7.5 Advice to grievants and Professional Standards



14 days (from date grievance raised)

Following consideration of the grievance and the issues raised, Controllers/Managers/Directors will provide written advice then verbal explanation to grievants about our decisions on the following

- the outcome of the complaint and any action we took
- the reason/s for our decision
- the remedy or resolution/s that we have proposed or put in place, and
- options for internal (Professional Standards) or external review that may be available to the grievant

If in the course of investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations and exemptions under the *Privacy and Personal Information Protection Act 1998* and any applicable exemptions, before sharing our findings with the grievant and any other members.

Controllers/Managers/Directors will update the Complaints Register including – reasons for decisions, description of outcome/s and date of advice sent to grievant.

Reporting to Professional Standards

The Controllers/Manager/Director who has managed a grievance will also report key information to the Manager, Professional Standards by submitting an *Internal Grievance Outcome Report (Supporting Documentation refers)*.

4.7.6 Stage 5 – Redress and Close

4.7.7 Referral for internal (Professional Standards) review by a member

Controller/Manager/Director referral of a complaint to the Manager, Professional Standards (Level 1 to Level 2)



14 working days (from date grievance outcome/reasons advised) – written referral

The resolution of most grievances will usually be determined and managed by the appropriate Controller/Manager/Director. On occasion, some or all parties to the grievance may not be happy with the process followed and/or the outcomes of the process. Therefore, there needs to be access to a review mechanism.

The possibility of review by the Manager, Professional Standards, assists in ensuring that the grievance management and resolution processes are fair and impartial, and can stand up to scrutiny.

The process for requesting a review should be based on the following:

- The initial grievance management process has been completed, and the outcome and reasons for decisions have been communicated to all parties
- That review of the grievance management process is requested within a reasonable time frame – i.e. generally within two weeks of its completion
- Sound reasons for requesting the review are identified. Just because a party to the grievance may not accept the outcome, that does not mean there is an automatic right of review
- That, where a review is warranted, it is conducted within an identified, and reasonable, time frame – i.e. generally within 21 days of a review being granted
- That the review is conducted impartially by someone who was not involved in managing the initial grievance – in most cases this will be the Manager, Professional Standards
- That the review focuses on the process followed to resolve the grievance, e.g. whether it was impartial, fair, inclusive and appropriate
- That the findings of the review and their reasons are communicated in writing to the relevant parties.

A referral of a grievance to the Manager, Professional Standards due to members having been unable to resolve a complaint locally, requires the Region Controller/Manager/Director to:

- submit an *Internal Grievance – Escalation to Professional Standards* form
- Complaints Register – note date form submitted/how

When a grievance has been escalated, the Manager, Professional Standards will liaise and keep records as appropriate, considering the *Internal Grievances Policy*, the *Procedures*, relevant legislation and any other requirements.

Important: Escalation to Level 3 (external review) will only be initiated by the grievant if they wish to pursue external redress. If so it is preferred the grievant advise Professional Standards.

4.8 Level 2 Complaints (Professional Standards/formal investigation)

4.8.1 Stage 1 – Receipt

The Manager, Professional Standards will consider the most appropriate way to record and register the receipt of a complaint escalated/referred to him/her in accordance with 4.3 *Recordkeeping* and the procedures under 4.6.1 (*Level 1 Complaints – frontline handling/early resolution*) *Stage 1 – Receipt*.

4.8.2 Stage 2 - Acknowledge

The Manager, Professional Standards will consider the most appropriate way to acknowledge a complaint escalated/referred to him/her, considering 4.6.5 (*Level 1 Complaints – frontline handling/early resolution*) *Stage 2 – Acknowledge* and the advice already provided to the complainant by the frontline member referring the complaint.

4.8.3 Stage 3 – Assess and Address (Review and/or Investigate)



21 days if feasible (from date grievance or review raised with Professional Standards) – respond to grievant’s issue/s and advise of outcome and reasons in writing

Assessment of complaint and decision/action taken to manage complaint

The Manager, Professional Standards will consider the following as ways of responding to a complaint that has been submitted or escalated to him/her:

- referral of a complaint back to the subject member or his/her Controller, Region Controller or Director, with advice on how to resolve and handle the complaint;
- review of local complaint handling and/or resolution
- formal investigation of the claims made in the complaint
- referral of complaint to an external oversight body for review and/or investigation

4.8.4 **Stage 4 – Provide Reasons for Decisions**

The Manager, Professional Standards will consider the most appropriate medium and content of written and possibly verbal advice to a grievant, regarding reasons for decisions. To be guided by 4.7.3 (*Level 1 – local grievance management/early resolution*) Stage 4 – Provide Reasons for Decisions.

4.8.5 **Stage 5 – Redress and Close**

4.8.6 Request by grievant to oversight bodies for external review (Level 2 to Level 3)

Where a grievant is dissatisfied with the decisions and/or outcome of a Level 2 (internally reviewed/investigated) grievance, he/she may wish to request an external (oversight) body to review the grievance and/or the management of the grievance.

Where this is the case, the grievant is asked to notify the Manager, Professional Standards of their intention to do so.

4.9 **Level 3 Grievances (external review and/or investigation)**

Request by grievant to oversight bodies for external review (Level 2 to Level 3)

Any member who is a grievant, or subject to a grievance, may seek redress if dissatisfied with internal grievance decisions, outcomes and/or management, as per 4.8.6 *Request by grievant to oversight bodies for external review (Level 2 to Level 3)* above.

5. Report and Analyse Grievances Data

All members will ensure that internal grievances are recorded in a systematic way as per *4.3 Recordkeeping*, so that information can be easily retrieved for reporting and analysis.

Region Controllers/Managers/Directors will report quarterly to the Manager, Professional Standards, via the *Internal Grievances - Quarterly Report* (format as deemed by the Manager, Professional Standards) on the following:

- Number of grievances received
- Outcome of internal grievances (that are not resolved when initially raised)
- Issues arising from complaints
- Systemic issues identified (when quarterly data viewed in the light of previous reporting periods)
- Number of requests received and referred (to Professional Standards) for internal review
- Number of notifications (to Professional Standards) of external review being sought by grievants
- Date each grievance was first raised
- Employment groups of those involved, e.g. Unit Controller
- Number of times the grievance has been raised (is this the first time, or has the same matter come up a number of times)
- Work location (may need to go up a level if the particular work unit is small and identifying it may lead to the identity of those involved in the grievance)
- Nature of grievance (interpersonal, perceived unfair practices etc)
- Options utilised by the manager to resolve the grievance (self-resolution, mediation, facilitation, administrative changes etc.)
- Timeframes
- Whether the Professional Standards review process was activated

6. More information

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

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

Procedural Support and advice

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

Your supervisor, manager, Unit Controller, Local Controller or Region Controller
Manager, Professional Standards – People and Culture Directorate
Director, People and Culture
Manager, Strategy, Planning and Innovation

Members and particularly Controllers/Managers/Directors will provide or arrange all reasonable assistance to those 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 grievance can be written down on the grievant's behalf.

Personal Support and Advice

While NSW SES intend that these 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 all of our members throughout the grievance process. Attached at Appendix 1 to these procedures 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 these procedures is a contact list of grievance oversight bodies with a short statement about their role and functions.

Important: Members or Professional Standards will provide grievants who appear to be experiencing difficulties or who express a wish for further advice or advocacy, to the support services and/or oversight bodies listed in Appendices 1 and 2.

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 also get 24/7 free help by contacting the following external hotlines or websites (refer members 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

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Approvals Required for this Document

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