



Catholic Archdiocese of Adelaide

Diocesan Offices and Parishes

Grievance Policy and Procedures

Approved by:

Moderator of the Curia

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GRIEVANCE

Policy Vision Statement

The Archdiocese of Adelaide is a community of believers drawing on our rich Catholic tradition and celebrating our diversity, striving for fullness of life in God. We seek to build a family-centred Church, strengthening community and spreading the good news of Jesus Christ, with a particular concern for those who are poor and disadvantaged.

1. Policy

The Adelaide Catholic Church is committed to ensuring that a grievance procedure is in place to provide processes for resolving grievances in a clear and prompt manner that is supportive, co-operative and respectful of the individual.

Those responsible for handling procedures shall do all within their power to ensure that the grievance is managed with impartiality, sensitivity, freedom from victimisation, and without undue delay. Any communication or discussion relating to issues arising must be kept strictly between those whose involvement is necessary for satisfactory resolution.

2. Scope

The scope of this policy extends to grievances brought by any member of the clergy, employees, volunteers, visitors, contractors or parishioners working under direction of any of the Catholic parishes or Catholic offices. From this point the terms complainant and respondent will be used to describe the two parties in dispute. The complainant is the person who brings the dispute to the fore and the respondent is the person against whom a grievance is brought. (NB it is possible to have more than one complainant or respondent). These could be clergy, employees or volunteers.

3. Occupational Health, Safety & Welfare and Child Protection

All appointed staff will be required to undertake a Police Check prior to confirmation of their appointment. The Archdiocese reserves the right to appoint or not to appoint an applicant on the basis of the results of a Police Check. All appointed staff will be expected to complete Mandatory Training requirements, including OHS&W and Child Protection requirements.

4. Definitions

4.1 Grievance

A workplace grievance is a situation in which individuals may have a “dispute, complaint or issue” which has not been resolved. A workplace grievance can sometimes be due to organisational structures, personality clashes or difference of opinion over ideas, decisions or actions.

4.2 Contact Person

A contact person is a person identified by the agency (see Appendix A) as someone who can assist in the resolution of complaints at an early stage. This process is confidential and is used as an early step in resolving conflict. There should be a variety of trained contact officers available to Catholic Church personnel, including male and female, clergy and non clergy. It is recommended that each Deanery nominate 2-3 people to be trained as contact people.

The role of the contact person is to offer support and advice on the best way to communicate with the complainant and how best to represent their grievance in a manner that will be responded to. The contact person will not share their personal opinion on the matter, but rather will assist to move towards resolution. Both complainants and respondents may seek out contact people to support them through this process, however, where this occurs, the two contact officers will not communicate about the details of the complaint. If at any stage the contact person feels that a facilitated conversation is necessary, then they will refer the matter to the Grievance Management Panel.

At all stages the contact person keeps the Supervisor or Line Manager informed. If the grievance is with a Line Manager the contact person informs the next level of leadership.

4.3 The Grievance Management Panel

The Grievance Management Panel is a group of professionals formed for the purpose of assessing that complaints are responded to appropriately. This group will include both core and agency specific members. The Panel will be convened in accordance with the terms of reference set out in the attached Appendix. All complaints of sexual harassment must go directly to this group for assessment as to the proposed course of action (Appendix A).

4.4 Complainant

This is the person who initiates contact. This is usually the person who commences the process with an initial complaint. There can be one or more complainants.

4.5 Respondent

This is the person who is invited to respond to the complaint. The initial complaint is usually about this person's behaviour. There can be one or more respondents.

4.6 Pastoral Support Person

If a Priest is involved in a grievance issue, either as a complainant or respondent, they may seek support for their pastoral care and wellbeing from a Priest who has been designated with this role as determined by the Archbishop or the Moderator of the Curia. They may also utilise the services of ACCESS-OCAR.

If an employee or volunteer is involved in a grievance issue, either as a complainant or a respondent, they may seek support for their pastoral care and well-being from ACCESS-OCAR.

5. Responsibilities

5.1 Rights and Responsibilities of Complainant

The complainant has the right to:

- be heard and listened to
- have the complaint addressed with procedural fairness
- have the complaint dealt with in a timely manner
- seek legal advice
- have a support person present during the process
- engage outside support
- confidentiality and sensitivity on the resolution of the process

The complainant has a responsibility to:

- approach the process in good faith
- uphold confidentiality
- be courteous in dealing with the complainant or any other person involved in the dispute including contact person, mediator or investigator

5.2 Rights and Responsibilities of Respondent

The respondent has the right to:

- be informed of a complaint against them within a reasonable time frame
- present their version of events fully
- seek legal advice
- advice and support
- have a support person present
- confidentiality and sensitivity in the resolution process

The respondent has a responsibility to:

- approach the process in good faith
- uphold confidentiality
- be courteous in dealing with the complainant or any other person involved in the dispute including contact person, mediator or investigator

Victimisation or ill treatment as a result of bringing a complaint will not be tolerated.

At any stage of a grievance, all parties are supported to access confidential counselling for their pastoral care and wellbeing through the Employee Assistance Program – ACCESS-OCAR.

6. Procedure

If any person wishes to make a complaint about any member of the clergy, employee or volunteer, the following procedures shall be followed until there is a resolution of the matter that is satisfactory to both parties, or the person withdraws the complaint, or until the determination at the final stage of the process outlined below.

Some or all of the following steps may be used to gain a successful resolution:

6.1 Conversation with the person

- the complainant raises their issue directly with the respondent and the issue is resolved through discussion
- if a person is unable to do this or this step does not provide a solution, then:

6.2 Use of contact person

- the complainant takes the issue to a trained contact person (from either the work environment or another) and discusses methods of resolution
- this is likely to involve a discussion on how best to approach the person with whom they are in dispute and some strategies for resolution
- the contact person offers support and guidance
- if this does not result in a satisfactory outcome then additional steps will be required
- these two steps are not recommended for any complaint about sexual harassment
- the contact person will keep management informed

6.3 Resolve via Manager in Church workplace

- the complainant goes to their direct Line Manager to discuss the issue (if the complaint is with the Line Manager then they go to the next person above)
- the issue is discussed and resolution is sought with the direct assistance of the Line Manager

- if a result does not occur, then the matter must be referred to the Grievance Management Panel for assessment

6.4 Assessment

- if a satisfactory resolution has not occurred after the previous steps, then an assessment takes place by the Grievance Management Panel who will assess and recommend the most appropriate method of resolution
- it may include another dispute resolution process as required
- wherever a dispute involves a Priest, then another Priest as determined by the Archbishop or the Moderator of the Curia will be invited to be part of the Grievance Management Panel for that dispute

6.5 Mediation

A mediation process commences, with a qualified independent mediator selected to be part of the Grievance Management Panel, in consultation with the Archbishop or the Moderator of the Curia. The independent mediator will assess the situation and assist both parties to work towards a mutually agreeable solution to the dispute at hand. Some information will be provided to the Grievance Management Panel in relation to the outcomes, including any agreements and/or recommendations.

6.6 Complaints response intervention

This process occurs where one person needs to explore their behaviour in relation to complaints received. This involves a contract being drawn up between the independent mediator selected by the Panel and the individual. The individual and the mediator then work on the agreed goals and report back to the Grievance Management Panel.

6.7 Investigation

- this stage will usually only occur when a resolution cannot be reached through any of the previous steps or if one person is unhappy with the outcome
- the investigation will be conducted by a specifically trained independent person as determined by the Archbishop or the Moderator of the Curia
- the role of the investigator is to determine the substance of the allegations/grievance and recommend a course of action
- the investigator will review the complaint and any responses to it
- the investigator may also conduct interviews, speak to witnesses and follow up any other information provided that it is relevant to the dispute

At the end of the investigation, a finding is made. Some of the possibilities are:

- the grievance is upheld
- the grievance is dismissed (ie. it is considered that it is without merit or unfounded)

Outcomes could be:

- discipline or reprimand
- counselling
- a change in policy or procedure
- a written warning
- professional development

A written report is then provided to the complainant and the respondent detailing outcomes as well as any consequences for future breaches as determined by the Archbishop or the Moderator of the Curia.

7. Final Step

If the complainant is not satisfied, they may seek further assistance by referring the issue to appropriate external industrial processes or their rights at common law.

Attachments

Grievance Management Panel Terms of Reference – Appendix A
Grievance Procedure Flowchart

APPENDIX A

GRIEVANCE MANAGEMENT PANEL

Terms of Reference

PURPOSE:

The role of the Grievance Management Panel is to make an assessment upon the receipt of a complaint – either received directly or indirectly. The Panel will be convened as soon as possible after receiving the complaint.

It is the role of the Panel to assess the complaint and determine the best possible process for resolution.

MEMBERSHIP:

The Panel will consist of a Chancellor, a Mediation Advisor and an Agency specific member. The aim of the Panel is to use Alternative Dispute Resolution practices primarily and therefore a lawyer may not ordinarily be included. However, one could be appointed to the Panel by the Chancellor if required.

AGENCY MEMBERS:

Agency Members may include the following:

- Vicar General
- Priests (at least 4 selected by the Archbishop or the Moderator of the Curia)
- Religious (at least 2 nominated by Congregation Leaders)
- Diocesan Centre (at least 2 nominated)
- Legal representative as required
- Parish or chaplaincy representatives

Only one person from any given agency to which the grievance assessment applies will be required to participate on the Panel at a time. All Panel members will be inducted into the process at the outset.

All Agency representatives' contact details will be kept on file by the Chancellor and participation of each of the Agency representatives will be conditional upon their availability.

PROCESS:

The Grievance Management Panel will convene upon receipt of a complaint. There will be regular meetings scheduled for the direction of ongoing cases.

DUTIES OF THE CHANCELLOR, CHAIR OF THE GRIEVANCE PANEL:

- compile Briefing Paper
- set meeting times and dates
- preparation of Agendas
- maintenance of Case Notes

CASE CLOSURE:

A case will be considered closed when the Panel determine the case has been completed. At this point a Report is written and all file notes are retained as per diocesan policy/procedure for the management of case notes.

Where appropriate a Report of the outcome of a case will be forwarded to those requiring it.

REQUIREMENTS OF PANEL:

- all Panel members will be inducted and required to sign a confidentiality agreement at their first meeting
- Panel members will discern the most appropriate method of resolving the current issue
- the Panel will continue to be involved with the progress of the particular dispute until a conclusion has been reached