

# St Patrick's Cathedral Ballarat



## POLICY AND PROCEDURE FOR THE RESOLUTION OF GRIEVANCES

*Date of policy: 29 January, 2021*

*Date of last major review: n/a*

*Date of next major review: 29 January, 2022*

The Catholic Diocese of Ballarat is committed to ensuring that workplaces within the Diocese are happy and safe for all workers. However, there are times when a worker may be concerned about something that is happening within the workplace that appears unsatisfactory or unreasonable. This policy deals with the procedures available to workers to assist in the resolution of concerns, complaints and grievances.

### **1. Name of Policy**

This policy is named the Diocesan Parish Grievance Policy.

### **2. Commencement**

This policy commences on 1<sup>st</sup> December 2018.

### **3. Purpose of Policy**

The Catholic Diocese of Ballarat is committed to resolving grievances in a fair, timely, sensitive, and effective manner, and wherever possible through conciliation, consultation, cooperation and discussion, consistent with Gospel principles.

### **4. Definitions**

Church Worker: A lay person who performs paid or unpaid work in a Parish.

Parish Priest: A Parish Priest or Parish Administrator.

Complainant: A person lodging the grievance.

Grievance: The behaviour or action of another Church Worker, Church Workers or the Parish Priest which has or is likely to have an unreasonable negative affect on the ability of a Church Worker or Parish Priest to undertake his or her duties.

### **5. Scope and Application of Policy**

5.1 This Policy applies to grievances which arise in the Parish of St Patrick's Cathedral Ballarat.

5.2 Matters excluded from this policy are;

- Staff recruitment, appointment, probation and conditions of employment of staff
- Workers compensation

5.3 Allegations of sexual abuse or child abuse, whenever they arise, should be referred directly to the Diocesan Coordinator for Professional Standards and reported to Victoria Police in accordance with the provisions of the Diocesan Code of Conduct for Caring for Children and the Crimes Act 1958 (Vic).

5.4 Allegations which might involve criminal conduct or professional misconduct, whenever they arise, should also be referred to the Diocesan Coordinator for Professional Standards.

### **6. Understanding this Policy**

This policy is intended to complement and should be read in light of the principles and standards in *Integrity in Ministry* and *Integrity in the Service of the Church*.

## **7. Policy Principles**

7.1 Allegations of unacceptable behaviour should be treated seriously and sensitively and dealt with promptly, having regard to procedural fairness, confidentiality and privacy. Procedural fairness includes the right to be heard, the right to be treated without bias, the right to be informed of the allegations being made and to be provided with an opportunity to respond to them. It also includes the right to be informed of the progress in dealing with the allegation.

7.2 This policy is intended to be a non-legal alternative for dealing with allegations of unacceptable behaviour. It should only be used on the basis that legal representation is excluded and that matters discussed during the resolution process are confidential.

7.3 Wherever possible, allegations should be dealt with by a process of discussion, cooperation and conciliation. The aim is to reach a mutually acceptable outcome that is both fair and effective and which minimises the potential for ongoing damage to relationships.

7.4 No person is to be disadvantaged because they make an allegation or are associated with an allegation or a person making an allegation.

7.5 Anonymous allegations or allegations made by a person who does not want to be identified cannot be dealt with under this policy.

## **8. Parish Grievance Procedure**

### **A. Informal Grievance Procedure**

#### **Step One**

8.1 Before making a formal complaint of unacceptable behaviour the person making the allegation is encouraged to try to resolve the issue directly with the person concerned.

By discussing the matter directly it allows the other person to understand how his/her actions or behaviour is affecting you. It also provides the opportunity to have an open informal and objective approach to addressing the problem.

If you speak to the person directly, choose a time that is convenient to both parties, avoid confronting the person when you are angry or unprepared and choose a quiet private space in which to have the discussion.

Always consider the outcome you are seeking; be objective and don't accuse or blame. An appropriate solution will focus on achieving a productive working relationship, rather than apportioning blame.

You should raise your grievance with the person concerned as early as possible.

#### **Step Two**

8.2 If step one has not resolved your grievance or if you are reluctant to speak directly to the person against whom you have a grievance you may wish to seek the assistance of your Parish Priest.

Your Parish Priest or person appointed by your Parish Priest may assist you in your conversation with the other person by facilitating a discussion between the parties.

Remember that at this stage the Parish Priest is not investigating the issue and cannot form any opinion as to who or what is right or wrong.

If you find yourself in the situation where the grievance relates to your Parish Priest and you have been unable to resolve it at step one, then you should refer the issue to the Diocesan Coordinator for Professional Standards.

Should you be unable to effectively resolve your grievance informally after following step one and/or step two, or you believe that more serious intervention/support is required, then you need to formalise your complaint or issue of concern.

## **B. Formal Grievance Procedure**

8.3 To commence the formal grievance procedure you must provide in writing to the Parish Priest (or the Bishop as appropriate) a clear statement of the grievance including;

- the parties to the grievance;
- details of what has occurred and when;
- the names of any witnesses and;
- the outcomes you are seeking.

8.4 If;

(a) the grievance is about the Parish Priest or,

(b) the Parish Priest has a grievance against a Church Worker;

the person making the complaint or the Parish Priest, as the case may be, should refer the statement of grievance to the Bishop who will appoint an investigator to hear the grievance in accordance with the procedure set out in paragraph 8.5.

8.5 Where the matter has been referred to the Parish Priest (or the Bishop as appropriate), he is to;

(a) inform the person about whom the complaint has been made of the nature of the allegation and the identity of the person making the allegation,

(b) provide both parties with a copy of this grievance policy and procedure,

(c) appoint an investigator to hear the grievance.

8.6 The investigator will, within 28 days of his/her appointment;

(a) interview both the Complainant and the Respondent and such other persons as he/she deems appropriate and seek any further information the Investigator deems necessary;

(b) conduct the investigation in accordance with the principles of natural justice and the principles set out in paragraph 7.1 of this Policy and Procedure;

(c) determine whether the grievance is justified; and

(d) recommend to the Parish Priest or, as required under this procedure, to the Bishop appropriate action which may include;

- counselling for both parties;
- training in a particular area;
- arranging for the conciliation of the grievance;
- recommending disciplinary action or;
- that no further action be taken in relation to the grievance.

## **9. External Resolution**

The Catholic Diocese of Ballarat recognises the right of Church Workers to refer a grievance to relevant external agencies at any time. Such external agencies may include Victoria Police, Australian Industrial Relations Commission, The Victorian Equal Opportunity and Human Rights Commission and the Human Rights division of the Victorian Civil & Administrative Tribunal (VCAT).

## **10. Policy Review**

This policy should be reviewed twelve months after the date of first approval.