

**Policy and Procedure - Grievances and Disciplinary**

**GenYZ Mentoring**

**Purpose**

This policy provides a mechanism for addressing and resolving grievances arising during the program or in the course of a staff member's employment.

## If any staff member, mentor or young person feels they have been treated unfairly, including while participating in the program, they can seek to have the matter addressed by GenYZ.

## This policy is also intended to supplement GenYZ’s other policies, including its Equal Opportunity, Bullying and Sexual Harassment policies, as amended or replaced from time to time.

## The policy describes the steps for lodging a complaint, whether informally or formally, and the action to be taken, bearing in mind that resolution may not be possible.

**Policy**

GenYZ is committed to providing a positive, supportive and harmonious working and mentoring environment and will seek to provide fair and equitable processes to enable grievances to be addressed promptly and impartially and resolved as quickly as possible.

In the case of grievances that give rise to an alleged breach of discipline, complaints will be handled in accordance with additional disciplinary procedures below.

**General Principles**

This policy is based on the following general principles:

* All grievances will be handled in a fair and reasonable manner, seeking to ensure natural justice is provided. All persons involved in a grievance should be afforded procedural fairness.
* So far as it is reasonably practicable, consideration will be given by GenYZ to the wellbeing of all parties concerned and to achieving fair outcomes.
* Any person who lodges a grievance will not be unlawfully discriminated against or victimised as a result of raising a grievance. Any alleged discrimination, victimisation or other inappropriate conduct may be investigated further, including in accordance with the additional disciplinary procedure below.
* All parties to a grievance should participate constructively in any process that is aimed at seeking a resolution to the grievance.

**General Grievance Procedure**

1. If possible, as a first step the aggrieved person should seek to discuss the matter directly with the person in respect of whom the grievance arises.
2. If the grievance cannot be resolved directly with the person in respect of whom the grievance is made, the aggrieved party may notify program staff and/or their supervisor of the grievance and seek their assistance to help facilitate an outcome.
   1. If a grievance involves program staff and/or their supervisor, the aggrieved party should contact the Program Manager.
   2. If the grievance involves the Program Manager the aggrieved party should contact the organisation’s Executive Officer.
3. A grievance can be made verbally or in writing.
4. The person against whom the grievance is made will, as far as it is reasonably practicable, be provided with details of the grievance made against them and GenYZ will seek to provide them with the opportunity to respond to the grievance before formal resolution is attempted.
5. If the matter remains unresolved, GenYZ will, so far as it is reasonably practicable, arrange mediation between the aggrieved party and the person against whom the grievance is made.
6. So far as it is reasonably practicable, at the mediation:
7. the parties will be informed of any information relevant to the grievance
8. each party will be invited to provide comments in relation to the grievance
9. GenYZ will seek to facilitate a resolution of the grievance that is mutually acceptable to both parties
10. GenYZ will provide all parties with clear responses and feedback and clarification of the next steps which can be taken, if any.
11. If the matter remains unresolved, the issue will be referred to the Program Manager and then, if necessary, the Executive Officer (if not already involved) for resolution.
12. If the grievance remains unresolved, a Grievance Panel will be established aimed at resolving the grievance within 10 working days. So far as it is reasonably practicable to do so, the Grievance Panel will provide written reasons for its decision to all involved parties and to the Executive Officer.
13. If the grievance still remains unresolved, an external mediator may be brought in to seek to resolve the grievance.
14. If a grievance between a mentor and young person cannot be satisfactorily resolved, their match will be closed and (where appropriate) they will be re-matched with someone else.
15. In addition, so far as it is reasonably practicable:
    1. GenYZ will permit both the aggrieved party and the person against whom the grievance is raised to have a support person present at any discussions or meetings regarding the grievance
    2. GenYZ may call upon any person who has or may have knowledge about or witnessed the cause of the grievance
    3. GenYZ will seek to document the steps and proceedings undertaken to resolve the grievance
    4. GenYZ will seek to ensure that the grievance and all steps taken with a view to resolving the grievance are treated confidentially.

**Disciplinary Procedure**

If a grievance is made which gives rise to an alleged breach of discipline (including but not limited to any complaint regarding an alleged breach of GenYZ's Bullying, Equal Opportunity or Sexual Harassment policies), GenYZ may deal with the matter in accordance with the following disciplinary procedures.

### GenYZ may, if it considers it necessary and appropriate, undertake a prompt and impartial investigation. Such an investigation may involve collecting evidence and information about the complaint. Accordingly, so far as it is reasonably practicable:

* the aggrieved party and other witnesses may need to be interviewed
* the alleged offender will need to be informed of the details of the complaint
* the alleged offender will be provided with the opportunity to comment on or respond to the allegations.

GenYZ will also seek, so far as it is reasonably practicable to do so, to treat any investigations into a complaint confidentially. You should be aware, however, that GenYZ may need to discuss the complaint with any witnesses. Similarly, in certain circumstances if the behaviour complained about is of a particularly serious nature, GenYZ may have a duty to report to an external body such as the police (see below).

Based on the information collected, factual findings will then be recorded and a determination will be made as to whether or not the complaint is substantiated, and whether or not the alleged offender has engaged in conduct that amounts to a breach of discipline.

**Possible Outcomes/Disciplinary Action**

The possible outcomes of an investigation will depend on all of the relevant circumstances, including (but not limited to) the nature and gravity of the complaint, severity and frequency of the alleged breach of discipline, the factual findings of any investigation and any other relevant factors (including, for example, any power or age imbalance between the parties).

GenYZ may also consider any previous breaches of discipline, warnings or other disciplinary action taken, and any contrition shown on the part of the party found to be in breach.

Where an investigation has found that a complaint is substantiated, GenYZ may take such disciplinary action as it considers appropriate in the circumstances, up to and including termination of employment or exclusion from the program.

In addition to any disciplinary action, where appropriate, persons found to be in breach of discipline may be required to undertake counselling or training, provide an apology or provide an undertaking that the behaviour will cease and not repeat itself.

## False Complaints/Victimisation

If an investigation reveals that any person has made a deliberately false and/or malicious complaint, that person may also be disciplined.

Further, disciplinary action may be taken if it is found that a person has unlawfully victimised or discriminated against another person because that person has made, or intends to make, a complaint.

## Alleged Criminal Conduct

In some serious cases, a breach of discipline can constitute criminal conduct (for example, sexual assault, rape, stalking, indecent exposure, molestation or obscene phone calls), and GenYZ may be required to refer such complaints to the appropriate external authorities, including the police.

### In such circumstances however, GenYZ staff, mentors, young people and other workplace participants may be advised of the option of police support or intervention. Further, if the complainant is a young person, mandatory reporting may be required – see GenYZ’s (*2g) Child Safety and Duty of Care* policy.