



DIOCESE of TOOWOOMBA
SAFEGUARDING DISCIPLINARY and GRIEVANCE GUIDE
14 April 2023

This Safeguarding Disciplinary and Grievance Guide addresses two contexts involving children, young people and adults at risk and the people who work with them: appointed, employed or voluntary.

The first context is where a ministry worker breaches the Safeguarding Code of Conduct in their involvement with a child, young person or adult at risk: the focus is on the rights and needs of the young person or adult at risk. The behavior of concern is that of the ministry worker who has breached standards of respectful and responsible behavior to the detriment of the child, young person or adult at risk.

The second context is where a ministry worker has a grievance against another ministry worker or leader in a shared involvement with children, young people or adults at risk: the focus is on the concerns of the aggrieved ministry worker. The behavior of concern is that of another ministry worker who has breached standards of respectful and responsible relationships with a fellow worker. These matters are included in the Safeguarding Code of Conduct.

In both contexts the behavior of concern may be minor (a misdemeanor) or serious. However, all breaches of the *Diocesan Safeguarding Code of Conduct (April 2023)*, whether minor or serious misconduct, will involve consequences for continuing appointment, employment or voluntary involvement in diocesan or parish ministries. This disciplinary action includes, where necessary, termination of appointment or employment with the Diocese or Parish, or termination of involvement as a volunteer in ministry.

Appropriate detailed procedures for managing breaches of the *Safeguarding Code of Conduct (April 2023)*, whether minor, serious or vexatious, follow the procedures provided in the Diocesan Code of Conduct Policy (July 2017) (pp3-5), found in the Diocesan Human Resources Manual 2018.

Appropriate detailed procedures for managing Grievances based on the *Safeguarding Code of Conduct (April 2023)*, whether informal, formal or vexatious, follow the procedures provided in the Diocesan Workplace Grievance Procedure (July 2017)(pp2-3) and the Diocesan Workplace Bullying Policy (July 2017)(p3), both found in the Diocesan Human Resources Manual 2018.

This Guide provides appropriate processes for the resolution of Code of Conduct safeguarding breaches and workplace grievances and disputes in an efficient, fair and timely manner.

At all times, in ministry work and in the community, the best interests of children, young people and adults at risk, come first. Our Diocese, Diocesan Ministries, and Parishes take a zero tolerance approach to all forms of abuse.

Grievance Procedures within the members of Parish and Diocesan Ministries:

When dealing with grievances the preference is that the matter be dealt with as close to its source as possible, with a referral for further discussion and resolution at a higher level only if required. The process to be followed needs to provide for confidentiality, sensitivity, fair and impartial discussion, avoidance of victimization and a resolution in a timely manner.

Where a grievance or dispute arises, the principles of natural justice are to be followed and while the recommended procedures are followed, normal ministry work should continue. As required, matters of a criminal nature that arise during this process will be referred to Police for formal investigation.

Informal Grievance The ministry member with a concern/issue speaks with the other person about their grievance or dispute. The issue may be able to be resolved if, after such a discussion with the other person, a suitable, mutually agreeable outcome is identified and no further action is required. Ideally, the issue should be discussed and resolved as soon as possible, after the event or issue has arisen.

The ministry member may also raise their concern or issue by notifying their Ministry Leader or Parish Priest (in writing or otherwise) who will have a vested interest in resolving such issues that arise. Where the grievance involves another person, that person must be notified and given an opportunity to respond to the complaint or allegation. The parties will then meet to address the grievance with a view to resolving the issue promptly. The matter may be resolved after a consideration of the circumstances and the receipt of a suitable response. The parties involved will maintain complete confidentiality at all times.

Formal Grievance If the matter is unable to be resolved through an informal process, then it will need to be escalated to a higher authority for review and become a formal grievance. The responsible ministry Leader or Parish Priest must ensure that for the purposes of such a review, a properly constituted meeting is held to which the parties involved may invite their nominated support person. The manner in which the formal grievance review is conducted will be conducive to maintaining positive working relationships and will provide a fair, objective and independent analysis of the situation. A ministry member will have the right of reply to any issue or concern raised by the Ministry Leader or Parish Priest in this process. All parties are to maintain complete confidentiality at all times.

If the grievance is resolved in this manner, the appropriate Ministry Leader or Parish Priest will record the outcome of the meeting; inform all relevant parties of this outcome including any actions to be taken; and, will monitor the situation post-resolution to ensure no parties are victimised or treated unfairly.

Where the formal grievance is not resolved, the Parish Priest will notify the Executive Officer, Safeguarding Ministry and Professional Standards, who will assume responsibility for advising the parties on an appropriate course of action to finalise the matter. Such a course of action may involve a formal ministry investigation that includes:

- a) Talking to the person(s) involved separately and impartially to understand the differing perspectives;
- b) Gathering information from witnesses to the event; evaluating the information gathered;
- c) Informing the complainant of what the other person(s) said regarding the incident; and
- d) Recommending appropriate remedial action(s).

In addition, and dependent on the circumstances involved in the matter, other alternatives may be considered including an agreed mediation process with an impartial person to address the parties' concerns; or, the Parish Priest, after taking advice from the Bishop, offering appropriate counselling to and/or taking disciplinary action against, a party to the grievance.

Vexatious Grievance A grievance lodged by a ministry member (in writing or otherwise) that is found to be vexatious, frivolous or malicious will become the subject of counselling and/or disciplinary action by the Parish Priest or Bishop.

Parish Priests and Ministry Leaders are responsible for the implementation of this Guide and for ensuring that staff and ministry members are aware of this Guide and its related procedures. All Ministry Members and staff are responsible for compliance with this Guide and its related procedures. Failure to comply will result in disciplinary action which, where required, will include termination of employment or of voluntary involvement in ministry.

Safeguarding Code of Conduct breach Procedures:

The *Safeguarding Code of Conduct (14 April 2023)* (refer pp 153-158) names and affirms standards of respectful and responsible behaviour expected of all personnel in their relationships and involvement with children, young people and adults at risk. Breaches of this Code of Conduct, through criminal or inappropriate actions that become the subject of a complaint, will involve consequences for continuing appointment, employment or voluntary involvement in diocesan or parish ministries.

All personnel are expected to act in accordance with this *Safeguarding Code of Conduct* in their in-person and online interactions with children and young people under the age of eighteen, and with adults at risk.

The *Safeguarding Code of Conduct* provides detailed personal directions (positive and negative) under a number of safeguarding principles:

- a) Commit to safe and supportive relationships;
- b) Uphold dignity and respect;
- c) Act with justice and fairness;
- d) Be diligent in safeguarding practice;
- e) Maintain confidentiality;
- f) Be responsible in management of information and records.

This *Safeguarding Disciplinary and Grievance Guide (April 2023)* provides the safeguarding context for appropriate disciplinary action in response to direct breaches of the *Safeguarding Code of Conduct*.

Please refer to the detailed Procedures provided in the Diocesan Code of Conduct Policy (July 2017) on pages 3-5. This material is found in the Diocesan Human Resource Manual 2018.

- a) Managing a Misdemeanor Breach of the Code of Conduct (p3-4)
- b) Managing a Serious Breach of the Code of Conduct (p4-5) and
- c) Managing a Vexatious Complaint against a Staff Member (p5)

While these Procedures focus primarily on workplace situations, the detailed and escalating steps provide sound guidance on dealing with breaches of the *Safeguarding Code of Conduct* as well.

Reference Documents:

Diocesan Human Resources Manual 2018: Employees and Volunteers (2018)
Diocesan Code of Conduct Policy (July 2017)
Diocesan Workplace Bullying Policy (July 2017)
Diocesan Workplace Grievance Procedure (July 2017)

RESOURCE MATERIAL:

Diocesan Workplace Grievance Policy (July 2017)

SCOPE:

This Policy applies to all parish, commission and ministry workers (employees, volunteers and contractors) and visitors and is readily accessible to all interested parties.

Related Legislation	Qld Govmt Work Health and Safety Act 2011
Source Documents	Qld Govmt Work Health and Safety Regulations 2011 Safe Work Australia Guide to Preventing and Responding to Workplace Bullying 2016 Fair Work Commission Workplace Behaviours GSC Solutions SALT Online Training Program April 2023
Related Diocesan Documents	Workplace Bullying Policy
Approved by	Bishop Robert McGuckin
Approval Date	July 2017
Review Date	June 2020
Version	2

DEFINITIONS

Term	Meaning
Grievance	A grievance is a complaint or disagreement raised by an individual staff member, a volunteer including a Board Member or contractor in relation to the merits of an action taken by another party that relates to their employment with the Catholic Diocese of Toowoomba, including a failure or refusal to act.
Informal Grievance	An informal grievance occurs when a staff member has a concern/issues that is able to be discussed and resolved with the other party and no further action is necessary.
Formal grievance	A formal grievance occurs when the matter is unable to be resolved through an informal process. The appropriate Manager may carry out a formal investigation to resolve the matter. All grievance procedures will be carried out in a manner that is conducive to maintaining positive working relationships.
Vexatious grievance	Vexatious grievances are actions initiated without sufficient grounds and serving only to cause annoyance.

MONITORING, EVALUATION and REVIEW

This policy will be reviewed in **June 2020** unless circumstances dictate its earlier review. It will be reviewed by the Diocesan Work Health and Safety Coordinator and if necessary amended accordingly at that time.

REVISION RECORD

Date	Version	Revision Description
17 July 2017	01 June 2016	Inclusion of numbered points for consistency with other policy formats:

- 2: Scope Table
- 5: Roles and Responsibilities
- 6. Monitoring, Evaluation and Review
- 7: Revision record

14 April 2023 17 July 2017 Policy updated to reflect safeguarding requirements and to include Disciplinary actions that may be required

Code of Conduct Policy (HR Manual 2018) ...

Determining a Breach of the Safeguarding Code of Conduct:

Misdemeanours which warrant disciplinary action but, by themselves, would not justify termination of employment unless repeated after a first warning, be it verbal or written:

Examples include but are not limited to:

- Undeclared conflict of interest
- Physical contact such as patting, pinching or touching in a sexual or unwelcome way
- Breaching confidentiality (eg discussion of confidential matters in public areas and/or with unauthorised third parties)

Serious Misconduct which may, after appropriate investigation in accordance with this procedure, result in dismissal:

Examples include but are not limited to:

- Serious breach of professional standards (eg sexual misconduct with clients)
- Assault on a staff member or client
- Release of confidential information without approval
- Deliberately altering or destroying diocesan records without approval
- Threatening, intimidating or victimising staff members or clients
- Serious or repeated forms of sexual harassment

Disciplinary action summary ... covered in HR Manual as noted below ...

HR Manual: provides detailed procedures to be followed ... (p3-5) of Dioc Code of Conduct Policy (V1 July 2017)

Managing a Misdemeanour Breach: which escalates ...**p3-4**

Procedure as outlined in general in the Grievous Policy ...
 Provision for a first meeting with possible outcomes: counselling and/or training; verbal admonishment; formal reprimand; or written warning
 Provision for a second meeting after a written warning ...
 Provision for a final warning in writing ...
 Provision for a fourth meeting with support person present ... with possibility of termination of employment being considered unless mitigating circumstances are provided ...
 Only the Bishop / Parish priest can make a decision on termination of employment, to be given in writing.

Managing a Serious Breach: which escalates ...**p4-5**

Advice and support from Bishop/Parish Priest for the Line Manager ...
 Staff member informed of complaint investigation, verbally and in writing ...

Managing a Vexatious Complaint ... p5

Disciplinary action can be taken in the event a complaint is found to have been made based solely on a malicious intent.

Workplace Bullying Policy V2 July 2017 ...

Response to grievance: range of disciplinary actions: (p3)

1. The Executive Officer Professional Standards and Employment Relationships speaking to the parties involved as soon as possible; gathering relevant information; and identifying the remedial actions(s) required to satisfactorily address the issue for the parties concerned.
2. If the behaviour is considered to be of a serious nature, an impartial person will be appointed to investigate the complaint. Both sides will be able to state their case and relevant information will be collected and considered before a decision is made.
3. All complaints and reports will be treated in the strictest of confidence. Only those people directly involved in the complaint or in resolving it will have access to the information.
4. There will be no victimisation of the person making the report or helping to resolve it.

Breaching this WB Policy ... (p4)

Appropriate disciplinary action will be taken against a person who is found to have breached this policy.

These measures will depend on the nature and circumstance of each breach and could include:

- A requirement to provide a verbal or written apology
- One or more parties agreeing to participate in counselling or training
- A verbal or written reprimand
- Transfer, demotion or dismissal of the person engaging in the (bullying) behaviour.

If the investigation finds bullying has not occurred or cannot be substantiated, the Catholic Diocese of Toowoomba may still take appropriate action to address any workplace issues leading to the report.
