



# Internal Grievance Procedure

**Version 2**  
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**Signed**

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## INTRODUCTION

This procedure describes best practice for dealing with internal grievances of any TCDA staff, whether they be full time, casual or volunteers. Resolutions may vary depending on the award, if any, that the individual is engaged under.

## LEGISLATIVE FRAMEWORK

This Internal Grievance Procedure operates within and complies with the following legislative framework:

- Fair Work Act 2009 (Cth), particularly Part 6-2 regarding dispute resolution procedures and unfair dismissal remedies<sup>[^1]</sup>
- Anti-Discrimination Act 1977 (NSW), which prohibits discrimination and provides processes for addressing workplace grievances related to discrimination<sup>[^2]</sup>
- Work Health and Safety Act 2011 (NSW), Section 27 regarding dispute resolution in workplace safety matters<sup>[^3]</sup>
- Privacy Act 1988 (Cth) and Australian Privacy Principles, governing the collection, use, and disclosure of personal information during grievance processes<sup>[^4]</sup>
- Children's Guardian Act 2019 (NSW), relevant for grievances involving child safety concerns<sup>[^5]</sup>

This procedure also aligns with the principles of procedural fairness and natural justice as established in administrative and employment law.

## DEFINITIONS

For the purposes of this procedure, the following definitions apply:

**Grievance:** A formal expression of dissatisfaction, concern, or dispute raised by a staff member, volunteer, or contractor regarding work-related matters including but not limited to working conditions, relationships with colleagues, management decisions, or policy application.

**Complainant:** The staff member, volunteer, or contractor who initiates the grievance process.

**Respondent:** The person or party against whom the grievance is made.

**Mediation:** A voluntary process in which an impartial third party, the mediator, assists the complainant and respondent to identify issues, develop options, and work toward mutually acceptable outcomes.

**Natural Justice:** The principles that ensure fair treatment through the proper investigation of matters, the right to be heard, and the right to an unbiased decision.

**Representative:** A person (with their consent) chosen by a party to represent them during the grievance process. This may include a colleague, support person, or in more complex cases, a legal representative.

**Business Days:** Monday to Friday, excluding public holidays.

## 1. WHEN CAN YOU USE THE GRIEVANCE PROCEDURE?

The grievance procedure can help resolve disputes with other staff members, volunteers or TCDA Management. Anyone covered under these terms may apply the grievance procedure as a tool towards resolving a grievance.

## 2. HOW TO START THE FORMAL GRIEVANCE PROCEDURE

To start the grievance procedure, you must advise the other party in writing. It is important to note that you cannot start a formal grievance regarding a matter for which you have been subject to disciplinary action or for which a disciplinary procedure or investigation is ongoing.

# DOCUMENTATION REQUIREMENTS

All grievances must be properly documented to ensure transparency, fairness, and compliance with relevant legislation and policies.

## **Formal Grievance Submission:**

- Formal grievances must be submitted using the TCDA Grievance Form available at [www.tcda.com.au/policies/forms](http://www.tcda.com.au/policies/forms)
- The form requires specific details about the nature of the grievance, parties involved, relevant dates, previous attempts at resolution, and the desired outcome
- Completed forms should be submitted according to the instructions on the form

## **Documentation During the Process:**

- All meetings, discussions, and attempts at resolution must be documented in writing, including dates, participants, issues discussed, and outcomes
- Email communications related to the grievance should be retained
- Notes from mediation sessions will be taken in accordance with confidentiality requirements

## **Record Keeping:**

- All documentation related to grievances will be maintained in secure files with restricted access
- Records will be maintained in accordance with TCDA's Privacy Policy
- Personal information will only be collected, used, and disclosed as necessary for resolving the grievance
- Records will be retained for a period of seven years from the conclusion of the grievance process

The privacy and confidentiality of all parties will be maintained in accordance with TCDA's Privacy Policy and relevant privacy legislation.

# CONFIDENTIALITY

Maintaining confidentiality during and after the grievance process is essential to protect all parties involved and to preserve the integrity of the process.

## **Confidentiality Requirements:**

- All parties involved in a grievance process, including the complainant, respondent, mediator, representatives, and any witnesses, must maintain strict confidentiality
- Information related to the grievance should only be shared with those directly involved in the resolution process
- Discussions about the grievance should only take place in appropriate private settings
- Documents related to the grievance should be securely stored and not left where others might access them

- Electronic communications regarding the grievance should be conducted via secure channels

#### **Breaches of Confidentiality:**

- Breaches of confidentiality may result in disciplinary action
- Serious or repeated breaches may be considered misconduct under TCDA's Code of Conduct
- If a breach of confidentiality occurs, it should be reported immediately to the TCDA Director

#### **Exceptions to Confidentiality:**

- Where disclosure is required by law
- Where there is a risk to the health and safety of any person
- Where the information relates to suspected child abuse or neglect (which must be reported in accordance with the Child Safe Child Friendly Policy)
- Where disclosure is necessary to properly investigate and address the grievance

#### **Management of Records:**

- Access to grievance documentation will be restricted to those who need to know
- All records will be stored securely in accordance with TCDA's Privacy Policy
- Electronic records will be password protected, and physical records will be kept in locked storage

### **3. WHAT HAPPENS NEXT?**

You and the other party have 15 business days from when the other party becomes aware of the formal grievance to try to resolve the issue between yourselves. If you cannot resolve it within that time (including if one of you refuses to participate), the matter will proceed to mediation. You will have 10 business days to advise TCDA management that you wish to take the matter to mediation.

### **4. MEDIATION**

To commence mediation, you must advise TCDA Management in writing within 10 business days that you have been unable to resolve the dispute with the other party. If your dispute is with another staff member / volunteer, you must also advise TCDA Management of:

- the parties to the dispute (that is, you and the other party)
- what the dispute is about
- the attempts made by you and the other party to resolve the dispute.

TCDA Management must ensure the matter is referred to mediation. The requirement to advise the other party in writing is needed as evidence.

## **5. WHEN WILL MEDIATION TAKE PLACE?**

Mediation must occur within 30 business days of the appointment of the mediator. However, if the mediator is appointed by another body such as courts of law, mediation must occur on the date set by them.

## **6. CAN I CHOOSE THE MEDIATOR?**

The mediator must be a person chosen by agreement between you and the other party. If you cannot agree on a mediator, your mediator will be chosen depending on who you are in dispute with.

If the dispute is between you and another member, a mediator will be appointed by TCDA management. If the dispute is between you and TCDA Management, the mediator will be an independent and unaffiliated person.

A mediator appointed by the agreement of the parties may be (but does not have to be) another current or former staff member or volunteer. In no circumstances will the mediator be someone who:

- has a personal interest in the dispute
- is biased in favour of or against any party.

## **7. THE MEDIATOR'S ROLE**

It is important to note the mediator cannot and must not determine how the dispute is to be resolved. Their role is to:

- give each party every opportunity to be heard
- allow due consideration by all parties of any written statement submitted by any party
- ensure that natural justice is accorded to the parties throughout the mediation process.

"The purpose of mediation is to guide disputing parties to a mutually acceptable outcome."

## **8. DO I HAVE TO ATTEND MEDIATION IN PERSON?**

Any meeting or mediation session required by these rules may be conducted remotely by electronic means if agreed to by the parties.

## **APPEALS PROCESS**

If the grievance is not resolved through mediation or if either party is dissatisfied with the outcome, an appeal may be lodged.

### **Grounds for Appeal:**

- Procedural irregularity that materially affected the outcome

- New evidence that was not reasonably available during the original process
- The decision was manifestly unreasonable or unsupported by the evidence
- Conflict of interest or bias in the original decision-making process

### **Internal Appeal Process:**

1. **Submission of Appeal:** Appeals must be submitted in writing to the TCDA Director within 15 business days of receiving the outcome of the mediation or earlier grievance resolution attempt. The appeal must clearly state the grounds for appeal and the desired outcome.
2. **Acknowledgment:** The TCDA Director will acknowledge receipt of the appeal within 5 business days.
3. **Review Panel:** For complex grievances or where the TCDA Director was involved in the original process, a Review Panel may be established, consisting of:
  - A senior staff member not previously involved in the grievance
  - A qualified external mediator or consultant
  - Another appropriate person with relevant expertise
4. **Investigation:** The Director or Review Panel will review all documentation related to the original grievance, may interview relevant parties, and may seek additional information as required.
5. **Decision:** A final decision on the appeal will be provided in writing within 60 days of the appeal submission. This decision will include:
  - The outcome of the appeal
  - Reasons for the decision
  - Any actions to be taken as a result
  - Information about external resolution options if the party remains dissatisfied

**External Resolution Options:** If a resolution cannot be achieved through the internal appeal process, parties may seek external resolution through:

- Fair Work Commission (for employment-related matters)
- NSW Anti-Discrimination Board (for discrimination-related matters)
- SafeWork NSW (for work health and safety matters)
- Courts or tribunals as appropriate to the nature of the grievance

### **Timeframes:**

- Appeal submission: Within 15 business days of original decision
- Appeal acknowledgment: Within 5 business days of receipt
- Appeal decision: Within 60 days of submission

## **9. WHAT HAPPENS IF THERE IS STILL NO RESOLUTION?**

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law i.e., can be taken to the Supreme Court.

## **10. CAN SOMEONE ELSE REPRESENT ME?**

A party to a dispute may choose another person (with their consent) to represent them at any time during the grievance process. The nomination and consent must be provided in writing to the other party, TCDA Management and, if relevant at the time the person consents to be the representative, the mediator.

## **INTEGRATION WITH OTHER POLICIES**

This Internal Grievance Procedure operates as part of TCDA's broader policy framework and should be read and applied in conjunction with the following policies:

### **TCDA Code of Conduct**

- This procedure supports and reinforces the behavioral expectations outlined in the Code of Conduct
- Grievances involving potential breaches of the Code of Conduct will be handled in accordance with both policies
- The values of integrity, courage, accountability, respect, and excellence established in the Code of Conduct should guide behavior throughout the grievance process

### **Workplace Discrimination & Harassment Policy**

- Grievances involving allegations of discrimination, bullying, or harassment will follow the specialized processes outlined in the Workplace Discrimination & Harassment Policy in addition to this procedure
- Additional support resources identified in the Workplace Discrimination & Harassment Policy may be utilized in such cases

### **Safe Workplace Policy**

- Grievances involving workplace health and safety concerns will be prioritized in accordance with risk management principles
- The Workplace Safety Manager will be involved in grievances related to health and safety matters
- Documentation of such grievances will form part of TCDA's risk management strategy

### **Child Safe Child Friendly Policy**

- Grievances involving child safety concerns must be handled in accordance with the mandatory reporting requirements and specialized procedures in the Child Safe Child Friendly Policy
- Such grievances will be escalated immediately to the Child Safety Officer (TCDA Director)
- The safety and wellbeing of children will be the paramount consideration in resolving such grievances

### **Complaint Handling Policy**

- This Internal Grievance Procedure addresses disputes between staff, volunteers, and management, while the Complaint Handling Policy addresses complaints from external parties and clients
- Similar principles of fairness, timeliness, and thorough investigation apply to both processes

### **Privacy Policy**

- All information collected, used, and stored during the grievance process will be handled in accordance with TCDA's Privacy Policy
- Confidentiality provisions in both policies will be upheld throughout the grievance process

In case of any inconsistency between policies, the more specific policy relevant to the nature of the grievance will generally take precedence. If uncertainty exists, guidance should be sought from the TCDA Director.

## **SPECIAL CONSIDERATIONS FOR VARIOUS TYPES OF GRIEVANCES**

Different types of grievances may require specialized approaches while still following the general framework of this procedure.

### **Grievances Related to Discrimination or Harassment:**

- Will be handled with particular sensitivity and confidentiality
- May require more immediate intervention, especially if there is ongoing harm
- The respondent may be temporarily reassigned during investigation if necessary
- External expertise may be sought for investigation and resolution
- Additional support resources will be made available to affected parties
- Documentation will be particularly thorough and secure
- Will be handled in conjunction with the Workplace Discrimination & Harassment Policy

### **Grievances Involving Child Safety Concerns:**

- Must be immediately escalated to the Child Safety Officer (TCDA Director)
- May trigger mandatory reporting obligations to relevant authorities
- Will be prioritized above all other types of grievances
- May involve temporary removal of individuals from child-related roles during investigation
- Will be documented in accordance with both this procedure and the Child Safe Child Friendly Policy
- May necessitate involvement of external authorities and experts
- Confidentiality provisions may be modified as required by law

### **Grievances About Workplace Health and Safety:**

- Will involve the Workplace Safety Manager in assessment and resolution



- May require immediate corrective action to address safety risks
- Will be documented as part of TCDA's risk management framework
- May involve consultation with SafeWork NSW or other safety authorities
- Will be analyzed for systemic issues to prevent recurrence

#### **Grievances Involving Alleged Misconduct:**

- May be handled concurrently with disciplinary procedures
- May require more formal investigation processes
- Could result in disciplinary outcomes in addition to grievance resolution
- May require higher levels of documentation and evidence
- Could involve temporary changes to duties or reporting relationships during investigation

#### **Grievances Between Junior Staff and Senior Management:**

- May require external mediation to address power imbalances
- Will ensure representation options are clearly communicated
- May benefit from involvement of an independent third party in the resolution process

#### **Systemic or Group Grievances:**

- Affecting multiple staff members will be assessed for underlying organizational issues
- May be addressed through broader organizational change initiatives
- Will involve consultation with all affected parties
- May require specialized group mediation techniques

All special considerations will still maintain the principles of procedural fairness, natural justice, confidentiality, and prompt resolution that underpin this procedure.

## **SUPPORT RESOURCES**

TCDA recognizes that the grievance process can be stressful and challenging for all parties involved. Support resources are available to assist throughout the process.

#### **Internal Support Options:**

- Staff may seek guidance from their supervisors (if not involved in the grievance)
- The TCDA Director can provide clarification on the grievance procedure
- Colleagues may serve as support persons during meetings (with confidentiality requirements)
- Temporary adjustments to work arrangements may be considered during the grievance process
- Regular check-ins will be conducted with all parties involved in ongoing grievances

#### **External Support Resources:**

- Fair Work Commission Information Line: 1300 799 675
- NSW Anti-Discrimination Board: 1800 670 812

- SafeWork NSW: 13 10 50
- Beyond Blue (mental health support): 1300 22 4636
- Lifeline (24/7 crisis support): 13 11 14
- Employee Assistance Program: Information available from management

#### **Documentation and Guidance:**

- Detailed guidance on completing the grievance form is available at [www.tcda.com.au/policies/forms](http://www.tcda.com.au/policies/forms)
- Templates for documenting discussions and agreements are available from the TCDA Director
- Information sheets on the mediation process are provided when mediation is initiated
- Resources on effective communication during conflict are available in the staff resource library

TCDA acknowledges that grievances may relate to sensitive matters and strives to provide appropriate support while maintaining confidentiality and impartiality throughout the process.

## **ACCESSIBILITY CONSIDERATIONS**

TCDA is committed to ensuring the grievance process is accessible to all staff members regardless of disability, cultural background, or other individual circumstances.

#### **Accommodations Available:**

- Grievance forms and related documents can be provided in alternative formats (e.g., large print, electronic, audio) upon request
- Interpreters can be arranged for staff who use sign language or who prefer to communicate in languages other than English
- Meetings can be held in physically accessible locations
- Additional time allowances can be made for preparing documentation for those who require it
- Support persons can assist individuals with disabilities throughout the process
- Virtual participation options can be arranged for those unable to attend in-person meetings

#### **Cultural Considerations:**

- Cultural advisors or liaisons can be involved where cultural factors are relevant to the grievance
- Traditional or cultural approaches to conflict resolution can be incorporated where appropriate and agreed upon by all parties
- Scheduling will consider cultural observances and religious holidays
- Awareness of cultural communication styles will be maintained throughout the process

#### **Requesting Accommodations:**

- Staff can request accessibility accommodations by contacting the TCDA Director

- Requests should be made as early as possible in the process to ensure appropriate arrangements
- All reasonable accommodations will be provided unless they would impose undue hardship

These accessibility provisions align with TCDA's Diversity and Inclusion Policy and reflect our commitment to equity and fair treatment for all staff members.

## **POLICY REVIEW AND IMPROVEMENT**

To ensure this Internal Grievance Procedure remains effective, current, and compliant with legislation, TCDA is committed to regular review and continuous improvement.

### **Review Schedule:**

- This policy will be reviewed annually, with the next review scheduled for March 2026
- Additional reviews may be triggered by legislative changes, significant organizational changes, or following complex grievance cases that identify procedural gaps

### **Improvement Process:**

- Staff are encouraged to suggest improvements to this procedure at any time by emailing [paul@tamworthcitydance.com.au](mailto:paul@tamworthcitydance.com.au)
- Policy improvements are a standing agenda item at the annual teacher meeting
- Following the annual review, staff will be notified of any changes to the procedure
- Training on significant procedural changes will be provided as needed

### **Version Control:**

- Each version of this procedure will be clearly numbered and dated
- A summary of changes between versions will be maintained
- Previous versions will be archived in accordance with record retention requirements
- The current version will always be available on TCDA's website and in the policy folder at the studio

### **Responsibility:**

- The TCDA Director, Paul Singh, is responsible for:
  - Initiating and overseeing the annual review process
  - Approving changes to the procedure
  - Ensuring staff are informed about procedural changes
  - Monitoring the effectiveness of the procedure
  - Maintaining documentation of the review process

The effectiveness of this grievance procedure will be assessed based on:

- Feedback from users of the procedure
- Time taken to resolve grievances
- Satisfaction with outcomes

- Recurring issues that may indicate systemic problems
- Compliance with procedure requirements

## References

[^1]: Fair Work Act 2009 (Cth), ss 186(6), 739-740, which establish requirements for workplace dispute resolution procedures and the Fair Work Commission's role in resolving disputes.

[^2]: Anti-Discrimination Act 1977 (NSW), Part 9, Division 2, which outlines complaint handling procedures for discrimination matters.

[^3]: Work Health and Safety Act 2011 (NSW), s 27, which provides for the resolution of health and safety issues in the workplace.

[^4]: Privacy Act 1988 (Cth), Schedule 1, Australian Privacy Principles, particularly APP 3 (collection of personal information) and APP 11 (security of personal information).

[^5]: Children's Guardian Act 2019 (NSW), Part 4, which establishes reportable conduct schemes and child safety requirements.