



# GRIEVANCE POLICY AND PROCEDURE

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Reviewed every three years

## POLICY

### 1. PURPOSE

- 1.1 A grievance policy assists Donvale Christian College ("the College"), parents and the wider community by offering guidelines to assist them with managing grievances.
- 1.2 The College recognises that from time to time there may be instances where individuals or organisations may disagree with the way the College has managed matters and may wish to lodge a grievance. Individuals may include parents, students, suppliers, local residents, and other external bodies with whom the College community has relationship. The purpose of this Grievance Policy and Procedure is to provide these individuals with an avenue to facilitate a resolution.
- 1.3 The College aims to foster a culture in which appropriate standards of conduct are maintained by community members at all times, and that grievances are managed and resolved fairly, efficiently, and in accordance with relevant legislation. The College aims to provide a harmonious, positive and productive environment and supports the practices of dispute resolution and confidential mediation as a means to resolving grievances.
- 1.4 The aim of the College's Grievance Policy and Procedure is to facilitate an outcome, which is acceptable to the individuals involved and the College. However, not all grievances will be capable of resolution which satisfies all concerned. This Grievance Policy and Procedure will ensure that the grievance is addressed and that a clear response is provided. The Grievance Policy and Procedure involves both formal and informal components.
- 1.5 This Grievance Policy and Procedure is not intended to discourage conversations about the College but is to ensure those conversations are conducted in an appropriate manner and lead to the parties following proper process to seek resolution.
- 1.6 The College acknowledges that grievances present an opportunity to improve and provides an avenue to ensure grievances are managed in an appropriate manner.

### 2. DEFINITION OF GRIEVANCE

A grievance is an expression of dissatisfaction made to the College, related to the conduct of College activities, or the resolution process itself, where a response is explicitly or implicitly expected. For the sake of simplicity, the term 'grievance' will be used in the context of this Grievance Policy and Procedure to refer to grievances, complaints and interpersonal disputes, but does not include matters relating to the

safety of a child. If there is a concern about the safety of a child, please refer to the Child Protection and Safety Policy.

### 3. INTRODUCTION

- 3.1 The College community seeks to sustain relationships within the community that are characterised by justice, respect, compassion, honesty, trust and grace based on the following Bible verses:
- (a) Do your best to preserve the unity which the Spirit gives by means of the peace that binds you together. (Ephesians 4:3).
  - (b) If a fellow believer hurts you, go and tell him - work it out between the two of you. If he listens, you've made a friend. If he won't listen, take one or two others along... and try again. (Matthew 18:15-16).
- 3.2 The College will maintain a fair process to resolve grievances. In doing so, the College seeks to achieve and maintain a setting that encourages a productive and harmonious College environment.
- 3.3 Within this context, grievances will be dealt with promptly, impartially and fairly.

### 4. POLICY

- 4.1 Misunderstandings, disagreements and disputes are a normal part of community life. In line with Matthew 18:15-16, community members are encouraged to deal with the matter between themselves.
- 4.2 Anonymous grievances with no identifiable source will not be considered under this Policy, with the exception of the Whistleblowing Policy.
- 4.3 Someone may raise a grievance on behalf of another person. However, if the person involved wants no further action taken, the matter will not progress.
- 4.4 The College will use this Policy where appropriate, to seek to resolve grievances which fall within the College's area of responsibility. All cases of serious misconduct including but not limited to, sexual offences, criminal charges, or serious incidents will be referred to external authorities. The Executive Principal or delegate will establish a process to facilitate an outcome. This may include the appointment of an investigator.
- 4.5 Communication will be open, honest and respectful, focusing on the grievance and not the person. Parents must comply with the Parent Code of Conduct at all times when pursuing a grievance under this Policy.
- 4.6 When a grievance is discussed it is important that all parties are mindful that public criticisms of the College undermine trust and confidence.
- 4.7 If the grievance relates to the conduct of the Executive Principal, the matter will be referred to and managed by the Board Chair.
- 4.8 If the grievance relates to the conduct of a Board member, the Board Chair (Deputy Chair if the complaint relates to the conduct of the Board Chair) or nominee will conduct a preliminary investigation of the matter as per the Grievance Policy and Procedure. If they find that the grievance:
- (a) has merit, the matter will be referred to and managed by Christian Education National.
  - (b) does not have merit, the matter will continue to be managed under the Grievance Policy and Procedure.
- 4.9 Grievances that are vexatious or malicious in nature will not be considered under this Policy.
- 4.10 When applying this Grievance Policy and Procedure, the College will:
- (a) treat all parties with sensitivity, respect and courtesy;

- (b) investigate matters impartially and fairly;
- (c) provide clear reasons as to why any actions have been taken or are proposed to be taken;
- (d) maintain confidentiality; and
- (e) monitor the effectiveness of outcomes.

## 5. CONFIDENTIALITY

- 5.1 The College is committed to creating a safe environment for all members of the College community. Confidentiality will be maintained as far as possible. However, it may be necessary to speak with other persons in order to determine what happened, to afford fairness to those against whom the complaint has been made, and to resolve the grievance.
- 5.2 All persons aware of the grievance (and/or involved in the informal or formal grievance procedure) must also maintain confidentiality, including the person who lodges the grievance. Spreading false or unsubstantiated information may expose individuals to a defamation claim. Individuals may discuss the grievance with a designated support person or representative. However, the support person or representative must also maintain confidentiality.
- 5.3 All documents relating to a grievance and any subsequent investigation are to be treated as confidential.
- 5.4 As part of the grievance process, the College may need to interview other people (including staff members). This will be done as discreetly as possible. All persons involved in the investigation must be advised of the importance of maintaining confidentiality.

## 6. ACCESSIBILITY

The College's Grievance Policy and Procedure is:

- available on Schoolbox and the College website;
- available to any person who requests it.

## 7. RELATED POLICIES

- Parent Code of Conduct
- Child Protection and Safety Policy
- Child Safety Code of Conduct
- Privacy Policy

# PROCEDURE

The Grievance Procedure:

- allows the College to manage grievances promptly and effectively, and promotes a healthy, open and honest attitude within the College community.
- assists in resolving grievances before they escalate.
- emphasises respect, compassion, honesty, trust and justice.

## 8. TALK DIRECTLY TO A PERSON

- 8.1 If your grievance relates to the conduct of a particular person, it is usually appropriate to talk to the person directly about your grievance in the first instance.
- 8.2 If the grievance is in respect of a policy or procedure this should be raised with an appropriate member of staff.
- 8.3 Where it is not appropriate to talk to the person directly or you are not satisfied with the response, you should raise the grievance with a more senior staff member of the College.
- 8.4 When speaking to the person, you should:
- (a) identify the conduct, policy or procedure that is causing concern;
  - (b) how the conduct makes you feel; and
  - (c) explain how you would like the grievance to be resolved.
- 8.5 If you do not feel comfortable talking to the person directly, or you have tried this method, but it did not resolve your grievance, you may choose to lodge a grievance with the College.

## 9. LODGEMENT OF GRIEVANCE

- 9.1 To lodge a grievance with the College:
- (a) if your grievance is against a person *other than* the Executive Principal, Senior Leadership Team member or a Board member, you must lodge a grievance in writing to the Executive Principal or Senior Leadership Team member.
  - (b) if your grievance is regarding policy or procedure you must lodge a grievance in writing to the Executive Principal or Senior Leadership Team member.
  - (c) if the grievance is against or involves the Executive Principal, Business Manager or a Head of School, you must lodge a grievance in writing to the Board Chair.
  - (d) if the person against whom the grievance is made is a Board member, you are required to lodge a grievance in writing to the Executive Principal.
- 9.2 The grievance should include clear details about the allegation (e.g. who, what, when, where) and preferably supported by evidence.
- 9.3 The College will nominate a person to manage the grievance ("the Investigator"). The Investigator will usually be the Executive Principal or a senior member of staff.
- 9.4 The Investigator will acknowledge receipt of the grievance within three working days.
- 9.5 The Investigator will consider, within a reasonable period of time, the details of the grievance and how to appropriately address the concerns raised and provide you with details in relation to how the grievance will be managed.
- 9.6 All options will be considered to address the grievance. The specific circumstances of the case will determine which method is appropriate, including what is in the best interests of the parties involved. The Investigator will exercise discretion to determine how to resolve a grievance.

- 9.7 It may be necessary in some circumstances for the Investigator to obtain advice and/or pastoral support from an external person (e.g. a legal adviser) to ensure that the grievance is appropriately and fairly managed.
- 9.8 In circumstances where the grievance is referred to an external investigator, the external investigator will need to comply with this Policy with reference to the Parent Code of Conduct, the College Constitution and any other relevant College policies. If the grievance relates to allegations concerning the safety of a child, the Investigator will refer to the College's Child Protection and Safety Policy.
- 9.9 If the grievance relates to allegations concerning criminal conduct, the Investigator may need to report the matter to the Police.

## 10. INITIAL INVESTIGATION

- 10.1 The College will investigate the matter to establish the facts.
- 10.2 Having established the facts, the Investigator in consultation with the College, will determine whether the grievance will be:
  - (a) dismissed;
  - (b) managed informally; or
  - (c) managed formally.
- 10.3 The College and the Investigator must keep records of the investigation, in line with the College's Privacy Policy, including making written records of any conversations held during the investigation.
- 10.4 The College should remind all parties of the confidentiality of the process and grievance.

## 11. INFORMAL GRIEVANCE PROCEDURE

- 11.1 At the discretion of the Investigator, the informal grievance procedure may be implemented. There are various informal methods available to address grievances. It will depend on the specific circumstances of the case to determine which method is appropriate.
- 11.2 Options may involve the Investigator:
  - (a) discussing the grievance with the person against whom the grievance is made; and/or
  - (b) facilitating a meeting between the parties in an attempt to resolve the grievance.
- 11.3 The Investigator must keep written records, including any conversations during the investigation.

## 12. FORMAL GRIEVANCE PROCEDURE

- 12.1 At the discretion of the Investigator, the formal grievance procedure may be implemented.
- 12.2 An investigation under this procedure involves collecting information about the grievance and making a finding based on the available information as to whether or not the alleged behaviour is substantiated. Formal investigations will be conducted as promptly as possible to protect the interests of all parties involved.
- 12.3 The Investigator will conduct the formal investigation in line with procedural fairness and make recommendations for resolving the grievance.
- 12.4 The investigator will obtain written particulars of the grievance from the complainant. An indication of the complainant's desired outcome should also be sought.
  - (a) If the grievance is against an individual, the Investigator, in consultation with the College as appropriate, will write to the individual named by the complainant (the respondent), advising them of the grievance, providing a summary of the particulars. This letter may

include an invitation to meet to discuss the matter. The respondent will be entitled to bring a support person of their choosing.

- (b) The respondent will be afforded an opportunity to respond to the allegation and information disclosed but is not required to. The respondent may request time to prepare a response to the allegation. The respondent may ask questions and provide additional information or identify other persons who may have information that may assist the investigation.
  - (c) The Investigator will consider how to proceed depending on the information provided. Where it is decided that no action is justified, both the complainant and respondent should be informed. It may be appropriate to consider formal dispute resolution between the parties.
- 12.5 If the grievance is established and disciplinary or corrective action is considered appropriate, the Investigator in consultation with the College, will determine an appropriate outcome. The outcome (regardless of its nature) will be communicated to the respondent in writing.

### 13. POSSIBLE OUTCOMES

- 13.1 The parties will be notified about the outcome of the informal or formal grievance procedure as appropriate.
- 13.2 The main purpose of grievance resolution is to resolve grievances between individuals in a supportive, fair and constructive way. Identifying appropriate behaviours for the future and strategies to avoid further conflict are also important. Remedies (if not disciplinary) may include the provision of an apology or similar step (depending on the nature and severity of the conduct that has occurred).
- 13.3 The formal or informal grievance procedure may not resolve the grievance to the satisfaction of all parties. The most appropriate outcome may be an understanding of the matters raised and a recommendation to follow or improve guidelines or procedures or improve communication in the future.

### 14. APPEALS PROCESS

- 14.1 Complainants and respondents are entitled to appeal decisions made. Appeal applications can be made to the Executive Principal for a decision to be reviewed. If the Executive Principal is the subject of the grievance, the appeal application should be made to the Board Chair.
- 14.2 Requests for the Executive Principal or Board Chair to review a decision will be in writing and set out the reasons for the appeal.
- 14.3 The Executive Principal or Board Chair may put an outcome on hold or amend an outcome, pending the result of an appeal.
- 14.4 The Executive Principal, or the Board Chair, if the Executive Principal is the subject of the grievance, has the discretion not to proceed with the appeal which may include, but is not limited to the following:
- (a) where the application for review of the action was made more than one year after notification of the outcome, and there are no exceptional circumstances explaining this delay;
  - (b) where the application for review of the action is frivolous or vexatious;
  - (c) where the affected person has previously applied for review of the same action under these provisions;
  - (d) where the affected person does not have sufficient direct personal interest in review of the action; or
  - (e) where there are alternative internal review procedures available and have been pursued.

- 14.5 Upon receipt of an application for review, the Executive Principal will determine the most appropriate way to review the decision in accordance with the principles outlined above.
- 14.6 The Executive Principal may, dependent on circumstances and at their discretion, discuss the matter with the appropriate Senior Leader or Board.
- 14.7 Once the review is completed, the Executive Principal will advise the individual of the appeal decision. Review outcomes may include:
  - (a) affirming the outcome of the initial investigation;
  - (b) undertaking further investigation of any new information made available;
  - (c) varying the action;
  - (d) setting the action aside and substituting a new action; or
  - (e) dismissing the initial grievance as unsubstantiated.

## 15. TIMELINE

The College acknowledges that grievances present an opportunity to improve and the College is fully committed to resolving grievances in an efficient, fair and timely manner. The College recognises that its Grievance Procedure must be fair to the complainant as well as the person about whom the grievance is made. Accordingly, the College will aim to manage all grievances raised under this Policy and Procedure as follows:

- 15.1 acknowledge receipt of the grievance within 3 school days; and
- 15.2 provide all parties with a response within 14 school days or provide interim information if a response is not yet available.