

HIGHVIEW COLLEGE

GRIEVANCE RESOLUTION POLICY



Responsibility – Board

(Ratified Annually)

Developed by	The Highview College Board	2017
Updated by	The Principal, Melinda Scash	2018 / 2019
Reviewed by	Caretaker Board, Stephen Norris	26 January 2019
Reviewed and Ratified by	The Highview College Board (pending)	20 March 2019

Rationale

Highview College is a complex community encompassing students, parents and staff. The College believes that a process for the acceptance and resolution of conflict and grievances will help maintain a harmonious, supportive and productive College community.

- Highview College is a community where individuals should feel safe to express their points of view openly, honestly and constructively
- From time to time concerns may arise regarding educational, behavioural or school-based environmental issues. For this reason, Highview College has developed a set of procedures to work through unresolved situations
- Grievance procedures provide guidelines for raising an unresolved issue or complaint and having it considered seriously

Definitions

- **Complainant**
Any person who has a grievance
- **Grievance**
Any concern or complaint about any act, omission, situation or decision that someone thinks is unfair or unjustified
- **Respondent**
Any person against whom a grievance is brought
- **Contact Person**
A person identified to guide the Complainant through the informal process
- **Support Person**
A person selected by the Complainant/Respondent to be with them in meetings. A Support Person takes no active part in the resolution
- **Investigator**
A neutral person, who undertakes an impartial investigation and makes a decision in response to those findings

Scope of Policy

1. The scope of this policy extends to grievances brought by any member of staff, parent or student
2. Some grievances are better handled under other policies of the College. Highview College has specific policies in place for issues such as child protection and sexual harassment amongst others

Highview College Grievance Resolution Commitments

In addressing concerns and complaints, we:

1. Receive and handle grievances in a positive manner
2. Are transparent and impartial in handling complaints
3. Fully resource a procedure for handling complaints
4. Resolve grievances as quickly as possible. However, the timeframe for resolution of a grievance will depend on the complexity, nature and scope of the grievance.
5. Treat everyone with consideration,
 - 5.1. With regard for and recognition of their individual value and dignity
 - 5.2. Through founding relationships and behaviour on mutual respect
 - 5.3. Handling complaints objectively and with sensitivity and
 - 5.4. Maintaining confidentiality, as far as possible (it may be necessary to inform those involved in managing the complaint e.g. Heads of School)
6. Employ Natural Justice
 - 6.1. Natural Justice suggests that respondents have a right to know the particulars of the allegations made against them, as well as having a right to respond to these. Where there is a need for a complaint to be addressed or acted on, the respondent must be informed of the complaint
 - 6.2. Protect all parties involved
7. Take all reasonable steps to resolve a grievance with a win/win outcome. All parties have rights and responsibilities which need to be balanced. The process aims to achieve an outcome which is acceptable to all parties.

Procedure

The actual grievance handling and investigation adopted in each particular case will be at the discretion of Highview College management. Highview College may handle grievances and investigations in the following manner:

1. Steps 1 and 2 comprise the informal process where the outcome of the dispute is still within the hands of the parties
2. Step 3 comprise the formal process where the issue is determined by a third party

Contact Person

The Contact Person has a varied role during the informal stages of the resolution process. From the beginning of the process, complainants and respondents are encouraged (but not obliged) to seek out a support person. A support person should not be directly involved in the matter, which is the focus of the grievance resolution.

Contact Person for Students

1. Student complainant in relation to Pastoral Care

The contact person for complaints about Pastoral Care is the DELTA Mentor

If the complaint is about the DELTA Mentor the contact person is the relevant Head of School

2. Student Complainant in relation to Teaching & Learning

The contact person for complaints about teaching and learning is the relevant Teacher

If the complaint is about the Teacher the contact person is the relevant Head of Department

Contact Person for Parents

1. Parent complainant in relation to Pastoral Care

The contact person for a complaint about Pastoral Care is the DELTA Mentor.

The contact person for a complaint about the DELTA Mentor is the relevant Head of School.

The contact person for a complaint about a Head of School is the Principal.

2. Parent complainant in relation to Teaching & Learning

The contact person for a complaint about teaching and learning is the classroom teacher.

The contact person for a complaint about the classroom teacher is the relevant Head of Department.

The contact person for a complaint about a Head of Department, Careers Advisor or Music or Sports Co-ordinator is the Director of Professional Practice.

3. Parent complainant in relation to Fees & Charges

The contact person for a complaint about fees and charges is the Business Manager.

The contact person for a complaint about fees & charges, which remains unresolved, is the Principal.

4. **Parent Complainant in relation to a member of Executive**

The contact person for a complaint about any member of Executive is the Principal.

The contact person for a complaint about the Principal is the Board Chair.

Contact Person for Staff

The Highview College organisational chart illustrates the line management and support channels available to staff. Staff should also be familiar with the Enterprise Bargaining Agreement.

1. The contact 'person' for any enquiry is initially the Staff Consultative Committee
2. The contact person for a staff complaint that requires more confidentiality, is any member of the Executive
3. The contact person for a complaint about a member of Executive is the Principal
4. The contact person for a complaint about the Principal is the Chair of the College Board
5. Staff also have access to the Independent Schools Union, WorkCover and FairWork

Support Persons

A complainant/respondent may invite a support person to accompany him/her to any meetings that take place during the grievance resolution process but the support person must not have an active role in the resolution process. It is not the role of the support person to be a spokesperson for the complainant.

Support persons may include but are not limited to the following:

- **Student complainant support person**
Students should ideally be supported by their parents, but are also encouraged to be supported by their DELTA Mentor or any teacher with whom they feel comfortable
- **Parent complainant support person**
Parents are encouraged to be supported by another parent or a member of staff with whom they feel comfortable
- **Staff complainant support person**
Members of Staff are encouraged to be supported by another staff member with whom they feel comfortable

STAGE 1 – INFORMAL DISCUSSIONS

The College recognises that often grievances are simple misunderstandings that are easily resolved via effective communication. For example, if a parent has a classroom-related grievance the matter should normally be initially discussed with the teacher. Every grievance should normally be addressed via informal discussion in the first instance. Grievances should not normally be able to progress to the next phase unless both parties have first attempted to discuss the issue.

Aims

- To resolve issues in a timely manner informally and personally
- To assist communication between the parties
- To address minor misunderstandings

The Process

The complainant is to approach the respondent and explain his/her grievance in a non-threatening manner using effective communication.

The role of Contact Persons

Complainants are advised to approach a contact person for guidance in this stage of the procedure.

- The contact person is available as a support and to advise on the best way to communicate with the respondent
- The contact person will advise on the best ways to broach the subject with the respondent and how to best word his/her grievance in a non-threatening manner
- The contact person will not engage in gossip or share their personal opinions on the matter
- Complainants and respondents may seek out a support person during this time. However, minor misunderstandings are often resolved in a non-threatening environment. Thus, it is not recommended that a support person attends an informal discussion with the complainant

STAGE 2 – INFORMAL MEDIATION

Aims

- To use a neutral third party to help to resolve the grievance by isolating the main themes and problems and encouraging parties to create solutions at an early stage
- To clarify issues and sequences of events
- To encourage parties to work together to reach a mutually acceptable solution

The Process

1. Complainant records concern

If informal discussions were considered untenable, or were unsuccessful in resolving the matter, the complainant should put their concern in writing, including details of:

1. Date/s, time/s and place/s of the grievance
2. Perceived problem from the perspective of the complainant
3. The progress of any informal discussions that were held between the parties
4. Suggestions as to possible solutions
5. Whether the problem is a systemic or recurring problem

2. Contact person shares concern

The contact person will request that the respondent attend an informal mediation.

The contact person will reveal to the respondent the essence of the complainant's grievance and offer the respondent the opportunity to write:

1. Any objections to the complaint
2. Their perceptions of the problem and
3. Suggestions of possible solutions

3. Mediation with both parties

The contact person oversees the process and conducts the mediation. During the mediation, the complainant and respondent will be encouraged to explain to the other party their perspective of the grievance and its effect on them. The contact person will then encourage the parties to suggest and agree on negotiated solutions. The contact person will be neutral.

The role of the contact person is to

1. Let parties communicate their concerns openly
2. Maintain impartiality
3. Encourage solutions
4. Keep notes of any solutions that were suggested by either party
5. Write down in detail the solution that is finally determined
6. Provide a written report to the Principal
7. Maintain confidentiality at all times

STAGE 3 – INVESTIGATION

It is anticipated that this stage will only be utilised if a resolution cannot be reached through mediation or if one party is unhappy with this grievance procedure. During an investigation, the outcome of the matter is determined by someone other than the parties.

Who will be the investigator?

The following people are appointed as investigators, or, if the parties agree, an independent arbiter may be selected by them.

1. **Student complainant:** Principal or other such person the Principal may appoint.
2. **Parent complainant:** Principal or other such person the Principal may appoint.
3. **Staff complainant:** Principal or other such person the Principal may appoint.
4. If the Principal is the subject of the grievance, the investigator will be the Chair or an independent person appointed by the Chair.
5. If a member of the College Board (other than the Chair) is the subject of the grievance, the investigator will be the Chair of the College Board.
6. If the Chair of the College Board, or the College Board as a group, is the subject of the grievance, the matter will be referred to an independent arbiter.

The role of the Investigator

In determining the substance of the allegations/ grievance and recommending a course of action, the investigator must review the written complaint of the complainant, any written response by the respondent and any written records made by the contact person at the mediation.

The investigator may also:

1. Conduct interviews with either party
2. Speak to witnesses
3. Peruse any further information either party wishes to provide

Determinations

The Investigator may:

1. Uphold the grievance, or
2. Dismiss the grievance if it is considered that it is without merit or is frivolous or vexatious

The investigator may make any recommendations he/she considers appropriate in the circumstances. This may include but is not limited to:

1. Discipline or reprimands
2. Counselling
3. A change in policy/procedure of the College

The investigator must fully document the actions decided upon and the reasons for them and provide to both the complainant and respondent a copy of this information.

RIGHTS AND RESPONSIBILITIES OF THE COMPLAINANT

The complainant has the right to:

1. be listened to
2. have the complaint addressed with procedural fairness
3. have the complaint dealt with promptly
4. advice and support
5. seek legal advice
6. have a support person present at all meetings
7. confidentiality and sensitivity in the resolution of the process

The complainant has the responsibility to:

1. approach the process in good faith
2. uphold strict confidentiality
3. be courteous in dealing with the respondent, the contact person and the investigator
4. ensure that any support person understands their role in the process

RIGHTS AND RESPONSIBILITIES OF THE RESPONDENT

The respondent has the right to:

1. be listened to
2. present his/her version of events and reasoning
3. be informed of a complaint against his/her within a reasonable time frame
4. advice and support
5. seek legal advice
6. have a support person present during all meetings
7. confidentiality and sensitivity in the resolution of the process

The respondent has the responsibility to:

1. approach the process in good faith
2. uphold strict confidentiality
3. be courteous in dealing with the complainant, Contact Person and investigator
4. ensure that any support person understands their role in the process

RESPONSIBILITY FOR THE MAINTENANCE OF THIS POLICY

The College Board in conjunction with the Principal is responsible for gauging how well the Grievance Resolution Policy is working.

The College Board reserves the right to amend this policy at any time. The latest version will appear on the College's website.

To properly implement this policy, Highview College, the Board and/or the Principal must ensure:

- That this policy is endorsed on an annual basis
- That copies of this policy are made available to employees, on the Highview College website, and at the first staff meeting each year
- That this policy is incorporated into the Board's / Principal's record of current policies
- That this policy is incorporated into Highview College's induction program, to ensure that all employees are aware of the Policy, have read and understood the policy, and acknowledge their professional responsibility to comply with the policy
- That mechanisms necessary to establish the complaints and grievance process are put in place

All Highview College's employees, contractors and other authorised personnel must ensure:

- That they will abide by this policy and assist Highview College in the implementation of this Policy