



Grievance Policy

Overview

In keeping with its mission and values, The Anglican School Googong (the School) is committed to developing and maintaining a productive and harmonious working environment for all School staff, students, contractors, parents and volunteers. Whilst staff are encouraged to maintain respectful and collaborative working relationships with all stakeholders, grievances and conflicts can occur. This Policy seeks to ensure that people interacting within the School have access to a clear and effective process to remedy any such conflict before it escalates.

Objective

The aim of this policy is to provide a prompt and respectful conflict and grievance management process.

Policy

This Policy provides a process for members of the School community including staff, students, contractors, parents, volunteers and external stakeholders, who feel that they have grounds for grievance, to seek resolution of these issues. It ensures that such claims are dealt with in a fair, transparent and consistent manner.

The School will seek to resolve issues quickly and use principles of conflict resolution to ensure that grievances between individuals are resolved with the least amount of stress for those involved. Processes for dealing with the resolution of grievances may be informal or formal depending on the nature of the grievance. The School recognises the need to treat all parties in grievances with fairness and views formal complaints as a serious issue.

Responsibilities

This Statement applies to all employees, students, contractors engaged by the School, parents and volunteers and external stakeholders.

This policy does not deal with Child Protection related complaints. All complaints of this nature are to be dealt with using the procedures outlined in the Child Protection Policy.

The Principal has overarching responsibility for this policy document.

Definitions

'Grievance' is defined as an actual or supposed circumstance regarded as just cause for complaint.

'Employee' is a person who is lawfully engaged in employment by the School.

'Principal' refers to the Principal of The Anglican School Googong and any persons to whom she/he delegates the responsibility.

'Staff' refers to all teaching, support and other staff members, collectively or individually depending on context.

For the sake of brevity and as in common spoken parlance, the word 'staff' is generally used throughout this and related documents in place of 'staff members'.

'Workplace bullying' is defined as repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

Related School Policies

Please note that there are a number of other School policies of which you need to be aware of and understand, including (but not limited to):

- Code of Conduct
- Code of Conduct for Students
- Discrimination, Harassment and Bullying Policy
- Privacy Policy
- Work Health and Safety Policy

References

[Disability Discrimination Act 1992](#)

[Equal Opportunities Act 1987](#)

[Privacy Act 1988](#)

[Work Health and Safety Act 2011](#)

Procedures for Implementing the Grievance Policy

Dealing with a Grievance

- All members of the School community are strongly encouraged to maintain respectful and collaborative working relationships and quickly address any misunderstanding with colleagues should they arise. However, a person may feel aggrieved in the course of their engagement with the School and believe that the situation is serious enough to warrant external assistance to remedy the issue. The source of the grievance may be varied, ranging from conflict over professional or academic issues; concern over an employment condition or application of a School policy through to serious discrimination or harassment.
- A minor grievance may be remedied by the parties themselves but, if not dealt with, minor grievances and conflicts can escalate and become issues of a more serious nature. Therefore, if it cannot be remedied quickly, the person should raise issues of grievance and conflict as soon as possible.
- A grievance may be initially communicated in a written letter, email or a meeting. Issues should be raised in the first instance as follows:
 - Staff with their immediate supervisor, or if a grievance is with a supervisor, the issue should be raised with the Principal
 - Students with the class teacher or Head of School
 - Contractors with the person who has engaged them at the School
 - Parents and volunteers with the Head of School or the Principal
 - External stakeholders with the Principal
- Complaints made without substantiation or accusations made without any basis will be viewed by the School as a very serious matter.

- Persons who are involved in a conflict of any kind may wish to refer to Appendix 1 - Helpful Tips when approaching Conflict and Grievance Resolution.

Support

- It is acknowledged that raising issues of conflict may be difficult for some people. Therefore, the option exists for a support person to be included in any meetings with the person investigating the grievance. The role of a support person is to provide support to the complainant, for example by discussing the issue with them or taking notes in the meeting. In this situation, a support person is not an advocate for the complainant and should not become actively involved in the discussions.
- A support person could be a colleague or friend and in the case of students, parents or guardians. It is advisable to give due consideration to the person's ability to support and provide wise counsel. Given the potential conflict of interest, it would not normally be appropriate for a support person for an employee to be a member of the School Executive Team, although there may be exceptions.
- To avoid escalating the issue a support person should not be an industrial advocate, person from another school or professional working in the field of grievance resolution. However, the person does not need to be an employee of the School. Similarly, in order to prevent matters from becoming personal rather than professional, it is not usually appropriate for an employee's support person to be a spouse, partner or close family member.

Confidentiality

- The person dealing with the issue should approach all parties with fairness and equity. Similarly, the supervisor should treat all information divulged by the staff members as confidential. The supervisor should only disclose details, should it be necessary, with the permission of the staff member who raised the issue.
- An exception to the requirement for confidentiality will be made if there are legal obligations (such as duty of care or child protection) to report the information disclosed by the staff member.
- Accusations of unlawful discrimination/harassment can harm the reputation of those involved and could lead to legal action for defamation. Matters of this kind must be dealt with confidentially on a need to know basis. The matter is not to be discussed generally with colleagues or members of the School community.

Process for Complaint

- On the initial receipt of a formal complaint (written or verbal), the person receiving the complaint will assess the nature of the complaint and either deal with the matter themselves or, if appropriate, pass the matter to a person who is suitably independent and competent to manage the matter.
- In the case of informal complaints, in which the complainant wishes to lodge a concern but explicitly does not wish to initiate a formal grievance, the person receiving the complaint should still regard the matter seriously and consider carefully and respectfully the most appropriate course of action, which may for example be to log the concern for further monitoring, to deal with the issue through on-going management, or to escalate the matter to formal proceedings if serious enough, with due sensitivity to the wishes of the complainant.
- Once the issue has been raised, the person receiving the complaint should take action as promptly as is feasible. Usually the will meet with the staff member within seven working days of the formal complaint being raised. In normal circumstances, a resolution plan will be formulated before the end of ten working days (excluding teacher term breaks and holidays).

- If appropriate, the person dealing with the grievance may elect to seek to resolve the issue informally by meeting with the parties singly and/or together, providing advice or strategies for action. Such an approach is not an option for dealing with formal complaints of harassment, bullying or discrimination which should always progress immediately to the formal grievance procedure.
- If the matter is dealt with informally and resolved to the satisfaction of the complainant and the complaint was not trivial, then details of the issue and resolution should be noted in confidential School records. Where this informal process is not appropriate or does not lead to resolution, the formal complaint procedure will then apply.
- Appropriate disciplinary action will be taken against a person who is found to have breached School policies including Discrimination, Harassment and Bullying, WHS, Child Protection and the Code of Conduct. The School views both confidentiality and transparency as essential principles in maintaining the integrity of the policies and procedures used to manage workplace bullying.

Formal Complaints

- The School regards complaints as serious matters that have the potential to affect the reputation and career of staff or the prospect of students continuing at the School. Therefore, complaints must be made in a formal manner according to the following guidelines:
 - Formal complaints must be in writing, signed by the complainant (unless the Principal decides that this is not appropriate because of the nature of the complaint or to protect the complainant);
 - The written complaint should clearly outline the nature of the complaint and specify individuals involved. It should include all relevant supporting material available to them such as emails and notes of verbal communication including, where appropriate, the names of witnesses; and
 - The formal written complaint should be directed to the Principal.
- All complaints will be treated seriously and generally in accordance with this statement. The School will determine the most appropriate method of dealing with the grievance.

Process for Addressing a Formal Complaint

On receipt of a formal grievance the School will generally take the following steps:

1. Determine the best method of handling the grievance
 2. Advise the complainant of the likely steps that will be undertaken by the School in relation to the grievance and the likely timeframe
 3. Advise the person(s) about whom the complaint has been made of the nature of the grievance and seek their response
 4. Collect any additional information the School considers necessary to properly review the grievance
 5. Advise both complainant and the person(s) about whom the complaint has been made of the School's response to the grievance and if appropriate, any proposed action to be taken
- There may be circumstances in which some of the steps outlined above are not appropriate and the School will determine, in its absolute discretion, on a case by case basis the most appropriate method of handling the grievance.
 - The School will take whatever action it considers appropriate if there has been unlawful discrimination or harassment or bullying, including disciplining or dismissing offenders.
 - The complainant is free to withdraw their complaint at any time.

Potential Outcomes

Following a process to resolve any issues of conflict a range of outcomes may occur, including:

1. After discussion, the parties mutually agree that a misunderstanding has occurred and the issue is formally closed with a mutually agreed statement put on each staff member's file.
 2. A statement of regret or apology is offered up by one or more of the parties.
 3. One or more of the parties are required to attend professional development or counselling sessions.
 4. Together the parties mutually agree on a resolution plan (e.g. a new protocol for dealing with specific situations, regular communication meetings.) This may include reinstatement of lost entitlements or redress of inequity resulting from the offending behaviour. Resolution plans may include (but not be limited to) the following:
 - The supervisor facilitates a meeting with all parties. In this meeting each party will be given the opportunity respectfully to raise the grievance and have the opportunity to respond.
 - An external mediator is engaged to draw the parties together and step through a more formalised discussion process. Support is offered for example to a staff member through the School's Employee Assistance Program.
 - In the case of an Academic complaint, an assessment will be made as to whether the task should be re-assessed or not.
 5. If, after an investigation by a supervisor, it is determined that the complaint is not substantiated and no further investigation occurs, support may be offered to the person who raised the issue; for example the employee assistance plan or professional counselling.
- After the resolution plan is implemented, if the issue does not resolve, the issue is escalated further.
 - It should be noted that in some circumstances, even when aggravating factors have been removed, two people may not have complementary personalities. In such circumstances each party should acknowledge differences, seek to understand the other person's approach and continue to deal with the other person as a professional colleague or peer in accordance with the code of conduct. Staff may be offered professional counselling or mentoring to assist with this process.
 - The person who has managed the grievance process should monitor the situation to ensure that the grievance has been resolved and that measures put in place to manage or redress the issue are implemented and are effective.

Escalation

- Managerial escalation should only occur if the following circumstances occur:
 - The issue has been raised with an employee's immediate supervisor, but action has not taken within the seven to ten day period
 - If the above process has been followed and the problem has not been satisfactorily resolved, the issue may be escalated to a higher level of management
 - If the issue involves the employee's immediate supervisor, it is appropriate to escalate the issue in the first instance.
 - If the complaint involves the Principal then it should be raised as a grievance with the Board Chair via email Board.Chair@tasg.nsw.edu.au

Fair Work Commission

- It should be noted that all staff are covered by the dispute resolution procedures outlined in the Award which is relevant to their employment.
- From 1 January 2014, a worker, for example an employee, contractor, apprentice or volunteer who reasonably believes they have been bullied at work may apply to the Fair Work Commission for

an order to stop the workplace bullying. Such workers should contact the Fair Work Commission to find out if they are eligible to apply for an order.

- The Fair Work Commission will only make an order if satisfied the worker has been bullied at work by an individual or a group of individuals and there is a risk that the worker will continue to be bullied at work. The Fair Work Commission will take into account:
 - internal procedures available to resolve grievances and disputes at the workers' workplace
 - final or interim outcomes arising from an investigation undertaken by the worker's employer or other body
 - any other matters the Fair Work Commission considers relevant

Appeals

- The School does not offer unlimited opportunities for appeal if a complainant is unhappy with the resolution of a complaint. Any appeal against the resolution of a complaint should be made in writing to the Principal. An appeal is only likely to be considered if there is evidence that there was a procedural problem with the investigation.
- The Principal, at his/her discretion, will consider the application for an appeal and will either direct that the complaint be re-examined or direct that the matter be closed.

Academic Appeals

- Complaints about academic assessment are, in the first instance, to be referred to the appropriate classroom teacher. Where this appears to be inappropriate or satisfactory resolution is not achieved, they are to be brought to the appropriate Head of School and, if necessary, to the Principal.

Appendix 1 - Helpful Tips When Approaching Conflict and Grievance Resolution.

Conflict resolution expert, Alan Tidwell,¹ suggests there are three necessary elements that must be in place for effective conflict resolution to occur. These are:

1. Opportunity – this involves creating a 'space' where effective and productive discussion can occur. Creating such a space is the responsibility of the supervisor.
2. Capacity – this refers to the capacity the parties have to reach resolution. Having a limited grasp of English, being in a psychological state which inhibits rational thought, and allowing emotions to overcome a discussion are all ways in which capacity to resolve a situation may be diminished.
3. Volition (will) - the parties must want to resolve the problem and be willing to do so through the mechanisms established. Without volition the possibility of resolution is greatly reduced.

Other points, which may assist, include:

- Stepping away from the situation – in the heat of the moment it is often easy to let emotions drive a discussion. If you encounter a genuine issue of conflict, it may be helpful to remove yourself from the situation, attempt to calm down and then focus on the source of the problem.
- Try not to globalise the problem – in difficult situations it is often easy to include past experiences or actions, which are not directly related to the current situation. The problem with 'globalising' is that the primary source of the problem becomes lost amongst broader issues.

¹ Tidwell, A.C., 1999, Conflict Resolved? A Critical Assessment of Conflict Resolution, (Pinter, London).

- Make notes – even if you decide not to address the problem in writing, it is still helpful to write some notes before you enter a meeting. Writing notes will give you some time to think about the primary problem you are dealing with and in turn communicate this effectively to a supervisor.