



## GRIEVANCE POLICY AND PROCEDURE

### RATIONALE:

This policy is aimed at providing a mechanism for resolving grievances in a simple, well defined manner which is supportive, compassionate and respectful and treated with the utmost confidentiality and sensitivity.

The Principal and College leaders, should develop a workplace culture where members of the community are able to raise issues, concerns and grievances and have them addressed as soon as practicable, using fair and equitable processes.

### SCOPE:

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

### DEFINITIONS:

**Complainant:** any person who has a complaint or grievance. This may include any employee, parent or student.

**Complaint:** an expression of dissatisfaction with a real or perceived issue at College where a response or resolution is expected.

**Grievance:** any concern or complaint about any act, behaviour, omission, situation Santa Maria College-Policy and Procedures or decision that someone thinks is unfair or unjustified.

**Respondent:** any person against whom a grievance is brought.

### PRINCIPLES:

- The College is committed to the confidentiality of all complaints, at all steps in the process.
- Only the College and persons directly involved in a grievance will have access to information regarding the subject of the grievance.
- It is expected that parties involved will discuss the matter only with their support persons or the other parties involved. Complainants and respondents must not publicise the grievance or the progress of its resolution.
- Although the College is committed to the confidentiality of all complaints, there may be situations where it is not possible to uphold a person's right to confidentiality. For example, a person's health and safety may be at risk, or the grievance may involve criminal activity. In these circumstances, the College will always prioritise the safety of the students, staff and wider community.
- The College will try to resolve all grievances as quickly as possible. However, the timeframe for resolution of a grievance will depend on the complexity, nature and scope of the grievance.
- The Principal may call on outside mediation to assist in the resolution of a dispute or complaint.

### **Contact Officers**

- are available as a support and to advise on the best way to communicate with the respondent
- will advise on the best ways to broach the subject with the respondent and how to best word their grievance in a nonthreatening manner
- will maintain impartiality on the matter and will maintain confidentiality at all times
- will let parties communicate their concerns openly and encourage solutions
- keep notes of any solutions that were suggested by either party and write down the solution that is finally determined.

Contact Officers may include but are not limited to the following:

- Director of Pastoral Care - Pastoral matters
- Deputy Principal Teaching and Learning - Teaching and Learning matters
- Head of Boarding - Boarding matters
- Principal
- CEO Mercy Education if the complaint is about the Principal

### **Support Person**

From the beginning of the process, complainants and respondents are encouraged (but not obliged) to seek out a support person who can provide support and encouragement throughout the process.

- Complainants and respondents may seek out support persons during this time. However, minor misunderstandings are often resolved in a non-threatening environment. Therefore, it is not recommended that support persons attend an informal discussion with the complainant.
- Support persons are entitled to accompany a complainant/ respondent to any meetings that take place during the grievance process but 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: Students will inevitably be supported by their parents but are also encouraged to speak to the College Psychologists.
- Parent complainant: Parents are encouraged to speak to another parent.
- Staff complainant: Staff are encouraged to speak to another staff member.

Anonymous complaints will always be investigated, and the outcome recorded and upheld by the school despite not being able to communicate this to the anonymous complainant

### **RIGHTS AND RESPONSIBILITIES OF THE COMPLAINANT**

The complainant has the right:

- to be heard and listened to
- to have the complaint addressed with procedural fairness
- to have the complaint dealt with quickly
- to advice and support
- to have a support person present at all meetings
- to seek legal advice
- to confidentiality and sensitivity in the resolution of the process.

Victimisation and repercussions of ill treatment as a result of bringing the complaint will not be tolerated.

The complainant has the responsibility:

- to approach the process in good faith
- to uphold strict confidentiality
- to be courteous in dealing with the respondent, Contact Officer and investigator
- to ensure that any support person understands their role in the process.

## **RIGHTS AND RESPONSIBILITIES OF THE RESPONDENT**

The respondent has the right:

- to present their version of events and reasoning
- to be informed of a complaint against them within a reasonable time frame
- to seek legal advice
- to advice and support
- to have a support person present during all meetings
- to confidentiality and sensitivity in the resolution of the process. The Respondent has the responsibility:
- to approach the process in good faith
- to uphold strict confidentiality
- to be courteous in dealing with the complainant, Contact Officer and investigator
- to ensure that any support person understands their role in the process.

## **DISPUTE AND COMPLAINT RESOLUTION PROCEDURE**

The grievance procedure consists of a four-step process. A grievance may be resolved at any stage.

- Steps 1 and 2 comprise the informal process as, at this stage, the outcome of the dispute is still within the hands of the parties.
- Steps 3 and 4 comprise the formal process as, at this stage, the issue is determined by a third party.

### **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, Head of Learning Area or Dean. If the grievance is sports or activities related, the matter should normally be initially discussed with the coach or the Director of Sport. Every grievance should normally be addressed via informal discussion in the first instance. Grievances should not normally progress to the next phase unless both parties have first attempted to discuss the issue.

#### **Purpose**

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

#### **Process**

The complainant is to approach the respondent and explain their grievance in a nonthreatening manner using effective communication.

### **STAGE 2 – INFORMAL MEDIATION**

If informal discussions were unsuccessful in resolving the matter or if such informal discussions were for some reason considered untenable, the complainant should put their concern in writing to the Contact Officer

- Director of Pastoral Care - Pastoral concerns from Parents or Students
- Deputy Principal Teaching and Learning - Teaching and Learning concerns from Parents or Students
- Head of Boarding - Boarding concerns from Parents or Students

## **Purpose**

- To use a neutral third party to help to resolve the grievance by identifying the key issues
- To encourage parties to work together to reach a mutually acceptable solution

## **Process**

Complainants must submit their grievance in writing, including details of:

- date/s, time/s and place/s of the grievance
- perceived problem from the perspective of the complainant
- a written account of the progress of any informal discussions that were held between the parties
- suggestions as to possible solutions
- whether the problem is a systemic or recurring problem.

A copy of the written grievance is given to the Principal.

The Contact Officer will approach the respondent and request that they attend an informal mediation to resolve the issue. The Contact Officer will reveal to the respondent the essence of the complainant's grievance and offer the respondent the opportunity to write down any objections to the complaint, their perceptions of the problem and suggestions as to possible solutions.

- The Contact Officer 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 how it has affected them.
- The Contact Officer will then encourage the parties to suggest and agree on negotiated solutions.

## **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. It is the responsibility of the Principal to attempt to reach a solution between the parties where possible.

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

- Student or parent complainant: Principal or other such person the Principal may appoint.
- Staff complainant: Member of the College Advisory Council or other such person as the College Advisory Council may appoint.
- If the Principal is the subject of the grievance, the investigator will be the CEO of Mercy Education.
- If a member of the College Advisory Council is the subject of the grievance, the investigator will be the Principal.

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 Officer at the mediation in Stage 2.

The investigator may also:

- conduct interviews with either party
- speak to witnesses
- peruse any further information that may be provided by complainant and respondent.

The Investigator may:

- uphold the grievance; or
- dismiss the grievance if it is considered that it is without merit or is frivolous or vexatious.

The investigator may make any recommendations they consider appropriate in the circumstances. This may include but is not limited to:

- discipline or reprimands
- counselling
- a change in policy/procedure of the College.

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

#### **STAGE 4 - APPEALS COMMITTEE**

The function of the appeals committee is to determine whether the investigator in Stage 3 made a decision that was fair and reasonable in the circumstances based on the information available to the investigator at the time of the investigation.

The appeals committee consists of three persons:

- the Principal
- two other members chosen by the Principal

If the Principal or other staff, have acted as an investigator in the matter, they may not form part of the appeals committee.

The appeals committee must consider the following in making their determination

- written complaint
- written response
- records of the Contact Officer from mediation
- written determination and reasons of the investigator.

When a complaint is brought to the appeals committee, the complainant or respondent may provide to the appeals committee submissions outlining why the decision of the investigator is wrong. These submissions must also be considered by the appeals committee when making their determination.

The appeals committee must fully document the actions they have decided and the reasons for it and provide to both the complainant and respondent a copy of these.

#### **STAGE 5 – APPEAL TO MERCY EDUCATION**

If at the conclusion of Stage 4 the complainant or respondent remains unsatisfied about the way the complaint has been dealt with at any stage, they may appeal to Mercy Education.

Any appeal to the CEO Mercy Education must clearly state the grounds upon which it is believed that the complaint has not been properly dealt with and enclose full documentation from each stage of this internal grievance process. The CEO Mercy Education may refuse to consider appeals where it is apparent that the College's internal process has not been exhausted in the first instance. The right of appeal to the CEO Mercy Education is not automatic. The person making the complaint must have grounds for appeal which the CEO Mercy Education may properly assess under the criteria provided for in this policy.

Where an appeal to Mercy Education Limited is lodged by a complainant the following information must be provided within the written complaint.

- the nature of the complaint
- the person/College against whom the complaint is made
- any substantiation of the complaint
- the complainant's proposed resolution to the matter.

On receipt of the written complaint, Mercy Education Limited will appoint an Investigating Officer who will initially ascertain if Steps 1-4 have been undertaken by the complainant. Where these steps have not been undertaken, except under extenuating circumstances, the matter will be referred back to the College.

Where Steps 1-4 have been undertaken, the Investigating Officer will acknowledge the receipt of the complaint in writing and contact the College Principal in writing outlining the dispute/complaint with the documentation provided by the complainant.

The Investigating Officer will advise the Principal and any other relevant parties involved as to the investigating procedure to be adopted regarding the complaint.

Once the Investigating Officer is satisfied that the investigation has been completed, the Investigating Officer shall make a decision based on the information presented or undertake further conciliation in an attempt to resolve the matter by agreement between the parties.

The parties shall be notified of the outcome of the appeal. A copy of the documentation will be placed on file at the office of Mercy Education Limited.

#### **OTHER INFORMATION**

Parties have the right to appeal to the Minister for Education in accordance with the College Education Act (1999).

**REVISED:** January 2022  
**REVIEWED BY:** Director Pastoral Care