



# Churchie.

## GRIEVANCE POLICY AND PROCEDURES

Contact Officer:	Deputy Headmaster - Co-curricular
Date Approved by School Council:	22 November 2017
Date of last amendment:	November 2017
Date of Next Review:	November 2019
Related Policies or Legislation:	Anti-Discrimination Policy; Privacy Policy

Anglican Church Grammar School is a complex organisation encompassing students, parents and staff. The School values these people and believes that a process for the acceptance, monitoring and resolution of conflict, complaints and grievances is in the best interests of maintaining a harmonious, supportive and productive School community.

This Grievance Policy is aimed at providing a mechanism for resolving grievances in a simple, well defined manner in a supportive and co-operative environment with the utmost confidentiality and sensitivity.

### POLICY

- (i) The School is open to receiving grievances and approaches them in a positive manner.
- (ii) The School has a commitment to the fair resolution of complaints at all levels.
- (iii) The School has a commitment to transparency of process and impartiality in handling complaints.
- (iv) The School has a commitment to ensuring that the School has the appropriate resources to fully accommodate a procedure for handling complaints.

### SCOPE

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

## DEFINITIONS

- (i) **'complainant'**: any person who has a grievance. This may include any member of staff, employee, parent or student;
- (ii) **'grievance'**: any concern or complaint about any act, behaviour, omission, situation or decision that someone thinks is unfair or unjustified;
- (iii) **'grievance policy'**: the procedures and objectives set out in this document;
- (iv) **'grievance procedure'**: the procedures defined in this grievance policy;
- (v) **'respondent'**: any person against whom a grievance is brought;
- (vi) **'School Council'**: means the governing body of the School;
- (vii) **'The School'**: Anglican Church Grammar School.

## CONFIDENTIALITY

- (i) The School is committed to the confidentiality of all complaints, at all steps in the process of their resolution.
- (ii) Only the School and persons directly involved in a grievance will have access to information 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.
- (iii) Complainants and respondents have a duty to uphold strict confidentiality during the grievance procedure for the safety and consideration of others that may be involved. Complainants and respondents must not publicise the grievance or the progress of its resolution. The School considers any breach of confidentiality a serious issue worthy of disciplinary action if warranted.
- (iv) Any documents created or dealt with during the course of the procedure will be marked "confidential" and put in a safe place. These documents may only be accessed by the parties involved in the grievance or by the School if the matter impacts upon the review of this policy.
- (v) Although the School 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 School will always prioritise the safety of the students, staff and wider community.

## TIME LIMIT

The School 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.

Should the complainant be dissatisfied with the determination/outcome, they may, within fourteen (14) days of this determination, appeal this decision in writing to the Headmaster.

## PROCEDURE

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

- (i) 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.
- (ii) Steps 3 and 4 comprise the *formal process* as, at this stage, the issue is determined by a third party.
- (iii) The *informal process* utilizes the concept of 'Contact Officers'.

### Who are the Contact Officers?

- *Student complainant*: Housemaster / Deputy Head of Sub-school;
  - *Parent complainant*: Deputy Headmaster/ Head of Sub-school;
  - *Staff complainant*: Headmaster/ Deputy Headmaster or the Chairman of School Council if the complaint is about the Headmaster or Deputy Headmaster. Contact Officers have a varied role during the informal stages of the resolution process.
- (iv) 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. Support persons should not themselves be directly involved in the matter which is the subject of the grievance.

### Who may be a support person?

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 School Counsellor.
- *Parent complainant*: Parents are encouraged to speak to another parent.
- *Staff complainant*: Staff are encouraged to speak to another staff member.

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.

## STAGE 1 – INFORMAL DISCUSSIONS

The School 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, Team Leader or Housemaster. If the grievance is sports or activities related, the matter should normally be initially discussed with the team or activity coach or the Director of the sport or activity.

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.

### Objects

- 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 their grievance in a non-threatening manner using effective communication.

### **The role of Contact Officers**

Complainants are advised to approach a Contact Officer for guidance in this stage of the procedure. Contact Officers are available as a support and to advise on the best way to communicate with the respondent. Contact Officers will advise on the best ways to broach the subject with the respondent and how to best word their grievance in a non-threatening manner. They will not engage in gossip or share their personal opinions on the matter.

Complainants and respondents may seek out support persons during this time. However, minor misunderstandings are often resolved in a non-threatening environment. Thus, it is not recommended that support persons attend an informal discussion with the complainant.

## **STAGE 2 – INFORMAL MEDIATION**

### **Objects**

- 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;
- to clarify issues and sequences of events;
- to encourage parties to work together to reach a mutually acceptable solution;
- to encourage both parties to think of solutions at an early stage.

### **The Process**

- (i) If informal discussions were unsuccessful in resolving the matter or if such informal discussions were for some reason considered untenable, the complainant should approach their Contact Officer to put their concern in writing.
- (ii) 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.
- (iii) A copy of the written grievance is given to the Headmaster.
- (iv) 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.
- (v) The Contact Officer oversees the process and conducts the mediation.
- (vi) 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.

- (vii) The Contact Officer will then encourage the parties to suggest and agree on negotiated solutions. The Contact Officer will be neutral in their dealings with each party both before and during the mediation.

### **The role of the Contact Officer**

- Let parties communicate their concerns openly;
- maintain impartiality;
- encourage solutions;
- keep notes of any solutions that were suggested by either party;
- write down in detail the solution that is finally determined;
- maintain confidentiality at all times.

## **STAGE 3 – INVESTIGATION**

- (i) 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.
- (ii) During an investigation, the outcome of the matter is determined by someone other than the parties.

### **Who will be the investigator?**

- (i) The following people are appointed as investigators, or, if the parties agree, an independent arbiter may be selected by them.
- *Student complainant*: Headmaster or other such person the Headmaster may appoint.
  - *Parent complainant*: Headmaster or other such person the Headmaster may appoint.
  - *Staff complainant*: Member of the School Council or other such person as the School Council may appoint.
- (ii) If the Headmaster is the subject of the grievance, the investigator will be the Chairman or Deputy Chairman of School Council.
- (iii) If a member of the School Council (other than the Chairman) is the subject of the grievance, the investigator will be the Chairman of the School Council.
- (iv) If the Chairman of the School Council, or the School Council as a group, is the subject of the grievance, the matter should be referred to the Director of Professional Standards at the Anglican Diocese of Brisbane or the Archbishop.

### **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 Officer at the mediation. The investigator may also:

- conduct interviews with either party;
- speak to witnesses;
- peruse any further information that may be provided by complainant and respondent. This may include written materials, witness accounts or any other evidence directly relevant to the issues that the party wishes to be considered in the process.

### **Determinations**

- (i) The Investigator may:

- uphold the grievance; or
  - dismiss the grievance if it is considered that it is without merit or is frivolous or vexatious.
- (ii) 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 School.
- (iii) 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**

### **What is the Appeals Committee?**

- (i) The appeals committee consists of three persons:
- the Chairman or Deputy Chairman of the School Council;
  - two other members chosen by the Chairman or Deputy Chairman of School Council who may or may not be Council members.
- (ii) If a member of the School Council has acted as an investigator in the matter, they may not form part of the appeals committee.

### **Role of the appeals committee**

The function of the appeals committee is to determine whether the investigator 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.

### **Resources of the appeals committee**

- (i) 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.
- (ii) 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.

### **Determinations of the appeals committee**

- (i) The appeals committee may only:
- uphold the decision of the investigator;
  - overturn the decision of the investigator and make new recommendations.
- (ii) 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.
- (iii) 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 the Archbishop. Any appeal to the Archbishop 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 Archbishop may refuse to consider appeals where it is apparent that the School's internal process has not been exhausted in the first instance.

The right of appeal to the Archbishop is not automatic. The person making the complaint must have grounds for appeal which the Archbishop may properly assess under the criteria provided for in the "Protocol for Dealing with Complaints against Church Workers and/or Decisions and Actions in Anglican Schools in the Diocese of Brisbane."

## **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 seek legal advice;
- to advice and support;
- to have a support person present at all meetings;
- 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.

## **RESPONSIBILITY FOR THE MAINTENANCE OF THIS POLICY**

- (i) The School Council reserves the right to amend this policy at any time.

(Review Note: This policy and procedures are subject to reviews and updates by School Council as required. The latest version will appear on the School's website).