



Alpha Omega
SENIOR COLLEGE

Grievances & Appeals

Policy & Procedure

RANGS

3.6.2 Safe & Supportive Environment

Version 3.0



Version Control Table

Version	Date	Notes
1	Dec 2015	Approved
1.1	Feb 2017	Reviewed
2.0	Feb 2018	Addition of Rights & Responsibilities , formatting and expansion on appeals process, inclusion of staff grievances
2.1	Apr 2018	Grievance Register and Grievance Investigation & Outcome form incorporated into policy
2.2	Jan 2019	Incorporating complaints regarding allegations of staff misconduct or reportable conduct
3.0	Feb 2021	Reviewed

Approving Authority

Approving Authority	School Board, Principal
Next Review Date	28 February 2022

Associated Documents/References/Links

Staff Code of Conduct
Students Code of Conduct
Anti- Bullying Policy
Grievance Form
Privacy Policy
Work Health and Safety Policy
<i>Disability Discrimination Act 1992 (Clth)</i>
<i>Privacy Act 1988 (Clth)</i>
<i>Child Protection Policy and Procedure</i>

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1. Rationale

Alpha Omega Senior College (AOSC) 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.

2. Objectives

The objectives of this policy are to provide a prompt and respectful conflict and grievance management process and to give the opportunity to access procedures to facilitate the resolution of issues through consultation, co-operation and discussion. The internal complaints and appeals processes are conciliatory and non-legal. AOSC will ensure that all complaints will be received in a positive manner and will be taken seriously.

3. Scope

The scope of this policy extends to grievances brought on by staff, 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.

4. Definitions

Complainant: any person that has a grievance

Confidentiality: limiting disclosure of information relating to a grievance to as few people as possible, and only to those who are legitimately involved in the process of resolving the grievance. Privacy principles are to be upheld when collecting personal information.

Grievance means any concern or complaint about any act, behaviour, omission, situation or decision that someone thinks is unfair or unjustified;

Mediation means a process which assists the complainant(s) and respondent(s) to reach a solution that is satisfactory to all parties.

Respondent: the individual/s against whom the complaint is made

Vexatious or Malicious Complaint means inaccurate, misleading, malicious or false accusations that are not substantiated or do not constitute reasonable grounds for complaint.

Victimisation includes unfavourable treatment, resulting in harmful or negative outcomes for a person, for example as a consequence of their involvement in a grievance procedure or raising a WHS matter. Unfavourable treatment could include such things as adverse changes to the work environment, denial of access to resources, work opportunities or training, or ostracism.

5. Policy

AOSC has a duty of care to staff, students and affiliates to resolve grievances promptly and with the minimum of distress. A grievance may arise because a member of our school community feels harassed or feels that a decision, behaviour or act is discriminatory or unreasonable.

A resolution to a grievance should be sought through informal discussions with the appropriate person in order to come to a mutually acceptable resolution. If this informal process is unsuccessful, a formal Grievance Procedure shall be followed.

In all cases of grievances between individuals, the principles of procedural fairness are to be applied. They include;

- a) The right to know which specific allegations have been made
- b) The right to know the process by which the matter will be considered
- c) The right to respond to the allegations
- d) The right to know the procedures for seeking a review of a decision made in response to allegations
- e) The right to impartiality in an investigation and decision-making
- f) The right to a bias-free decision-making process

The school is committed to;

- a) Receiving grievances and approaching them in a positive manner;
- b) the fair resolution of complaints at all levels; and
- c) transparency of process and impartiality in handling complaints.

Child Protection Related Complaint or grievances

If the complaint is of a child protection nature that is if there are allegations of staff misconduct or reportable conduct, then the complaint must be referred to the Principal immediately.

If the complaint is in relation to the Principal than it is referred to the Chairman of the Board or another Board member. If the complaint is in regards to a Board Member or Chairman, then the matter is to be referred to another Board member and the Principal.

Refer to **Child Protection Policy and Procedure** Section 7.2.8 for *Guidelines regarding complaints or allegations of staff misconduct or reportable conduct.*

6. Confidentiality

The School is committed to maintaining confidentiality of all grievances, at all steps in the process of their resolution.

- a) 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.
- b) 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.
- c) 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.
- d) 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.
- e) 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.

7. Time Limit

The school will try to resolve all grievances as quickly as possible. However, the time frame for resolution of a grievance will depend on the complexity, nature and scope of the grievance.

8. Procedure

8.1. Key elements of complaints handling procedure

a) Impartiality

If you make a complaint, it will be investigated in a fair and impartial manner. No judgements or assumptions will be made, and no action will be taken until the investigation is complete. If a complaint is made against you, your rights will be protected and you will be given an opportunity to tell your side of the story.

b) No Victimisation

The School is committed to safeguarding a person who makes a complaint to minimise the prospect of them being victimised in any way.

c) Vexatious or malicious Complaints

There is an underlying assumption that complaints are made in good faith (and with good will) and with an intention for resolution as opposed to retribution.

8.2. Making a complaint

If a complaint arises, the school believes that where possible, it is best to attempt to arrange a meeting with the person involved to discuss and resolve the concern.

If approaching a person involved to discuss the complaint causes discomfort then the next person responsible should be approached.

Parents should never approach other students with a school complaint. These matters should be directed to the relevant Year Advisor.

If the complaint is about a teacher, the complainant should first attempt to talk to the teacher, then the Head of Department, Deputy Principal then the Principal.

If unsure as to who is the designated person for a specific issue, then contact the school Administration Office for this information.

9. Informal Grievances

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, Year Advisor, Head of Department or Deputy Principal . 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.

9.1. Objectives

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

9.2. The Process

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

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.

10. Formal Grievances

If informal discussions were unsuccessful in resolving the matter or if such informal discussions were for some reason considered untenable, the complainant may decide to make a formal complaint. '**Grievance Form**'- **Appendix A** which can be obtained from the school's Administration Office.

Once a formal complaint has been submitted to the administration office, and the **Grievance Register – Appendix B** is updated, a copy of the complaint will be given to the Principal. The Principal may instruct a delegate to carry out an investigation into the matter. The delegated staff member may refer the complaint to another staff member under instruction from the Principal if they feel there is a conflict of interest and cannot investigate the complaint. If the Principal is the subject of the grievance, the investigator will be the Chairman or another member of the School Board.

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

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

10.1. Investigation

During an investigation, the outcome of the matter is determined by someone other than the parties.

In determining the substance of the allegations/ grievance and recommending a course of action, the investigator must review the written complaint of the complainant and any written response by the respondent. The investigator must complete the **Grievance Investigation and Outcome Form – Appendix C**. The delegate may also:

- a) conduct interviews with either party;
- b) speak to witnesses;
- c) 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.

10.2. Possible Outcomes

If the complaint is upheld or sustained, the following are possible outcomes, but not limited to, depending on the nature of the grievance:

- a) An agreement between the parties
- b) A verbal apology
- c) A written apology

The investigator may make recommendations they consider appropriate if a complaint is not upheld or not substantiated (e.g. there is insufficient evidence) but some issues come out of the investigation that are required to be addressed then, possible outcomes include:-

- d) Relevant training for employees and / or students; and / or
- e) Monitoring of the behaviour of employees and / or students
- f) Counselling for the person who is the subject of the complaint
- g) A change in policy/procedure of the school

The investigator may make any recommendations to dismiss the grievance if it is considered that it is without merit or is frivolous or vexatious and the following are possible outcomes:

- h) Counselling for the person who made the complaint
- i) A written apology from the person who made the complaint
- j) An official warning to the complainant
- k) Referral for disciplinary action for the complainant if they are a student or staff member

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.

10.3. Review

If the complaint has not been resolved then either party is entitled to a review.

- a) If the complaint is about the Principal the School Board will conduct the review.
- b) where the Principal has been the person to investigate a complaint, the School Board will be asked to conduct a review.

10.4. Appeals

There are two avenues of appeals if either party feels that the grievance process has not been followed properly, or that the outcome is unacceptable to either parties.

10.4.1. Appeals at School Level

Appeals will be dealt by the Principal, if the Principal has not been involved in investigating or examining the complaints, or is not the person named as the course of the grievance. Any determination made by the Principal with regard to the grievance will be final, except for your right to pursue the matter externally.

10.4.2. The Appeal will consider the following in determining the outcome:

When a complaint is appealed, the complainant or respondent may provide submissions outlining why the decision of the investigator is wrong. These submissions must also be considered.

- The way the complaint was handled and examines the outcome
- If he / she believes it was handled properly and that the outcome was appropriate he / she will take no further action
- If he / she thinks that the complaint was not handled properly, or that the outcome was inappropriate, he / she will organise for the complaint to be looked at again.
- Someone other than the person who first handled the complaint will always deal with an appeal

10.4.3. Appeals to an External Agency

If either party feel that they are unhappy with the progress in dealing with the grievance or the decision that was made as a result of the grievance process they may wish, to go to an external agency for further advice and assistance.

11. 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 and investigator;
- to ensure that any support person understands their role in the process.

12. Record Keeping

The School will ensure that records of complaints interviews and other documentation relating to a complaint are kept at the school (where dealt with at school level) in a separate complaints file. If the complaint is about a person, documents are placed in a restricted access file. If there are considered to be serious ongoing management of care issues relating to a complaint, there will need to be a cross - reference to the restricted file on the staff member or student file. These records must be kept for seven years.

List of Appendices

Appendix A	Grievance Form
Appendix B	Grievance Register
Appendix C	Grievance Investigation & Outcome Form



Appendix A



GRIEVANCE FORM

This form is to be completed by the Complainant

Section 1: Complainant's Details

Full Name

Contact Phone Number

Mailing Address

Postcode

Email Address

Section 2: You are

Please Tick

A Student

Parent/Guardian

Staff Member

Other – Please Specify

Section 3: Details of the complaint

Attach additional documentation to this form





GRIEVANCE FORM

Section 4: Outcome you are seeking

Section 5: Has the concern previously been raised with a staff member?

<input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, when?	
Who dealt with the matter?	
What was the result and why you were dissatisfied?	

Section 6: Signature

Signature		Date	
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Appendix C



GRIEVANCE INVESTIGATION & OUTCOME FORM

This form is to be completed by the Principal/Delegate

Section 1: For matters which are resolved at 'school level'

Date Complaint Received:		Principal Delegates to:	
Principal's Signature		Date	

Section 2: Investigation

Steps taken to investigate the complaint

Interview Conducted
 Speak to Parties involved
 Other – Please provide details

Section 3: Outcome

How was the complaint resolved?

Agreement between parties
 Verbal Apology
 Written Apology
 Other – Please provide details

Has the complainant been notified?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	How?	<input type="checkbox"/> Phone <input type="checkbox"/> Letter <input type="checkbox"/> Email <input type="checkbox"/> Interview
Has the respondent been notified?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	How?	<input type="checkbox"/> Phone <input type="checkbox"/> Letter <input type="checkbox"/> Email <input type="checkbox"/> Interview

Section 4: Delegate's Submission

Does the document contain Confidential/Sensitive Material?

Yes – To be retained by the Principal
 No – Forward to the Business Manager

Delegate's Signature		Date	
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