



# HERITAGE COLLEGE

## POLICY DOCUMENT

<b>Policy No.</b> <b>G2</b> <b>School Community</b>	<b>Title</b> <b>Grievance Policy</b>	<b>Effective Date:</b> May 2021
		<b>Review Date:</b> May 2024
		<b>Number of Pages:</b> 6

### 1. Purpose

It is recognised that from time to time, grievances may arise within the College community which may be caused by misunderstandings, disagreements and even wrongdoing. The existence of a problem does not always mean that someone has a grievance. In a healthy school community, there will be many instances where different parties will work together with different views and seek the best way forward.

This policy sets out the principles and processes by which grievances will be addressed. This is so grievances are dealt with in a fair, expeditious and non-adversarial manner, in an environment where it is safe to speak up, with confidentiality ensured and sensitivity shown to all concerned. The aim of this policy is to bring resolution and solutions to the various issues that arise in the course of operating a school while keeping relationships alive and well.

The preferred way is to approach grievances with an openness and a view to understand the grievance with the aim to work together in harmony and in accordance with the teaching of the Lord Jesus Christ in Matt 18:15 – 16. This is the humility of mind expected of those who aim to respect the interests of others spoken of in Philippians 2:3-5 and allows the ability to demonstrate the injunction of John 13:34-35 to “love one another”.

### 2. Scope and Commitment

2.1. For the purposes of this policy a grievance can arise from any of the following:

2.1.1. A course of behaviour, an act or perceived inaction by people with an ongoing association with Heritage College such as staff members volunteers, students or their relatives and member ecclesias (hereinafter referred to as “a member of the College community”) which has or is likely to have an unreasonable negative impact on the ability of another member of the College community to undertake his/her duties, work or studies at the College;

2.1.2. Any real or perceived ground for complaint including perceived harassment and discrimination or;

2.1.3. Any other allegation of real or perceived unfair or improper treatment.

2.2. A grievance may be recent or historic in nature. All such grievances will be taken seriously. Historic grievances may be difficult to resolve if the College has no reasonable means of determining the complaint because of the time delay in raising the concern.

2.3. Further to above, examples of the types of issues or matters that may arise include, but are not necessarily limited to:

2.3.1. Conflict/s of interest;

2.3.2. Discriminatory, unreasonable, unprofessional or inappropriate behaviour or conduct by members of the College community

- 2.3.3. Allegations of bias and/or failure to afford due process or natural justice in the handling of complaints, disciplinary matters or other operational matters of the College;
  - 2.3.4. Sustained interpersonal conflict; or
  - 2.3.5. Industrial issues.
  - 2.3.6. Complaints about Student bullying will be dealt with under the Student Bullying and Harassment Policy and Student Behaviour Development Policy.
  - 2.3.7. Complaints about Student discipline matters, including matters involving suspension or expulsion, will be dealt with under the Student Behaviour Development Policy.
- 2.4. Heritage College is committed to:
- 2.4.1. Creating a safe, fair and just, work environment for all members of the College community.
  - 2.4.2. Actively promoting the development of positive personal relationships, where persons respect one another and are pro-active in seeking to minimise the incidence of conflict that might otherwise give rise to a complaint or grievance.
  - 2.4.3. Supporting the right of every member of the College Community to have their grievances listened to, addressed fairly and dealt with expeditiously.
  - 2.4.4. Attempting to resolve disputes and grievances in a non- threatening, respectful and supportive environment.
  - 2.4.5. Providing appropriate training to support school leaders, Principal and Chair in the handling of grievances.
  - 2.4.6. An environment where it is safe to speak up and will not attempt to block access, threaten, or retaliate against a College community member who, in good faith, is trying to communicate a concern or provide input.
  - 2.4.7. Seeking to act with Christ-like behaviour, modelling the moral and spiritual principles given in the Bible, seeking in love to resolve disagreements by living in harmony with one another whenever possible (John 13:34-35).

### **3. Guiding Principles**

- 3.1. In dealing with a grievance, members of the community will seek to display Christ-like behaviours, this being consistent with the mission and objectives of the College.
- 3.2. The health, safety and well-being of all members of the College community remain the highest priority.
- 3.3. People are entitled to lodge a grievance and to be informed about what action has been, or will be, taken.
- 3.4. Grievances should be lodged in good faith and without frivolous, malicious or vexatious intent.
- 3.5. Fairness and impartiality will prevail throughout the appropriate resolution process.
- 3.6. Until a grievance is investigated and a determination made, a grievance is an allegation not a fact.
- 3.7. Every reasonable effort will be made by the College and its representatives to ensure that a Community member who lodges a grievance will not be treated unfairly, will not face reprisals or be victimised or adverse treatment of family members because of the grievance, and anyone dealing with the grievance will not be coerced or intimidated.
- 3.8. The College supports, where possible, an informal, amicable and equitable resolution of grievances through discussions, mediation and/or conciliation to achieve an agreed course of conduct and behaviour aimed at enabling all parties to continue a productive working and/or personal relationship at the College. The College will facilitate this

process by nominating persons to follow up and supervise any agreed result or outcome.

- 3.9. Complainants are encouraged where practicable, to resolve a complaint personally in the first instance by following biblical principles of resolution.
- 3.10. Formal procedures for the resolution of grievances will normally only be invoked when a matter cannot be resolved by personal means.
- 3.11. Communication and resolution processes should always be based on the parties acting in good faith, exercising good judgement, being honest and open, and focussing on the issue and not the person. During the grievance process everyone will conduct themselves with respect and in a manner consistent with the College Mission statement of 'Following His Steps'.
- 3.12. In dealing with a grievance, personally or formally, every reasonable effort shall be made to ensure that natural justice is afforded to all parties. This means, in practical terms:
  - 3.12.1. Subject to duty of care or other legal obligations, respondents should normally be informed of all allegations, and the basis for and the specific circumstances which give rise to the grievance.
  - 3.12.2. The right of all parties to be heard and to put their case;
  - 3.12.3. Investigations into the grievance must be undertaken expeditiously and thoroughly;
  - 3.12.4. That only those directly affected (including witnesses if necessary) be involved in the investigation process; and
  - 3.12.5. Only matters that are relevant to the grievance under consideration should be taken into account.
- 3.13. It is recognised that the application of the principles of procedural fairness can vary, depending upon the context and nature of the grievance and the nature of the response proposed or sought.
- 3.14. To the extent possible, confidentiality will be respected and maintained by all parties throughout the resolution process, except where persons are required to be informed on a 'need to know' basis or where statutory or legal requirements demand that matters be reported.
- 3.15. Complainants will be encouraged to identify themselves. Whilst anonymous complaints will be taken seriously and investigated as far as practically possible, it is very difficult to undertake a thorough and extensive investigation if the Complainant cannot be identified and hence cannot provide further and better particulars or information to assist with that investigation.
- 3.16. Where complaints or grievances are made in circumstances where an alleged crime may have been committed or mandatory reporting is required, SA Police or relevant outside agencies will be contacted and formally advised of the complaint or grievance.
- 3.17. It is noted that neither the Minister of Education and Child Development nor the Department for Education and Child Development has any power to directly intervene in any complaints relating to the operations of a non-government School or College. Any person/s who make a complaint to the Minister or the Department will be redirected to the College.

#### **4. Pathways for Resolution**

- 4.1. A person may elect, depending on the nature and seriousness of their grievance, to deal with that grievance in accordance with any of the following processes. The choice of the preferred resolution process lies with the Complainant. As far as possible Complainants should seek personal resolution or reconciliation within the College in the first instance.

- 4.2. Each party to a grievance is entitled to personal and/or professional advice, support or representation. Such parties are also bound by the need to respect confidentiality around the grievance.
- 4.3. A contact person is someone predetermined by the College to provide information and informal support to help the complainant to determine the best way forward and to monitor their wellbeing through the process.
- 4.4. There is a clear escalation path to be worked through if an informal process has failed to provide a satisfactory resolution. An overview of the process is seen in the Complaint Handling Escalation flowchart in Appendix 1.

## 5. **Formal Grievance handling process**

- 5.1. A **formal grievance** can be lodged with the Principal (and noted as a formal complaint) or sent by email to [formalcomplaint@heritage.sa.edu.au](mailto:formalcomplaint@heritage.sa.edu.au).
- 5.2. As soon as practicable after a formal complaint has been received, the Principal will then expeditiously put in place an investigation process personally or via a suitable and appropriate nominee and gather information relating to the allegations.
- 5.3. Meetings (which may be separate) will be convened with the parties to discuss the complaint and to hear all relevant evidence and submissions.
- 5.4. A determination will then be made, on the basis of a thorough investigation which may be internal or external, whether or not to uphold the grievance.
- 5.5. If, in the opinion of the Principal the formal complaint is substantiated, the evidence is inconclusive or if the complaint is found to not be substantiated, both the complainant and the accused will be advised accordingly, with any follow up actions as the Principal deems appropriate and necessary.
- 5.6. When a grievance is not resolved or cannot be resolved within the College, parties may seek the assistance of outside professional agencies or other relevant judicial or quasi-judicial bodies in order that a further attempt can be made to resolve the matter.

## 6. **Referral of a Grievance to the Council**

- 6.1. The Council Chair and members of the College Council are not directly involved in the first instance with receipt, investigation or resolution of complaints.
- 6.2. In instances where a complaint is about the Principal and the matter cannot otherwise be resolved or the complainant feels it is appropriate to do so, a formal written complaint may be lodged with the Council Chair. In this instance the Council Chair will expeditiously take all reasonable steps to have the complaint fully investigated and to facilitate a resolution.
- 6.3. This can be sent by email to [chair@heritage.sa.edu.au](mailto:chair@heritage.sa.edu.au) with the subject line or introduction indicating a formal complaint.
- 6.4. A direct approach may be made to the Council Chair to formally lodge a complaint or refer a complaint where the resolution processes within the College have failed or are otherwise inappropriate. In this instance, the Council Chair will take advice from appropriate persons and decide as to how the complaint should thereafter be effectively dealt with. In the event the complaint relates to, or implicates the Chair, then the Deputy Chair may be approached.

## 7. **Confidentiality**

- 7.1. The parties to a grievance are required, at all stages of this policy and procedure, to maintain confidentiality in relation to the concern or complaint. The parties must not disclose, by any form of communication, either the fact or the substance of the matter to anyone other than an advocate, staff representative or a qualified counsellor. To ensure procedural fairness no party will canvass within the school community or beyond to support or defend an allegation.

- 7.2. A Community member must not victimise or subject another person to detrimental action because of that person raising, providing information about, or otherwise being involved in the resolution of a grievance under these procedures.
- 7.3. The College recognises that accusations can potentially be defamatory and can involve risks to those concerned, especially if such accusations are without foundation and reputations are damaged without just cause. Therefore, all persons involved in grievances or complaints should maintain confidentiality unless required by Law. This is to minimise disruption in the College and the risk of a civil suit for defamation.
- 7.4. Any breach of either the confidentiality or non-victimisation requirements will be treated seriously by the College and may be grounds for disciplinary action, if substantiated.

## **8. Withdrawal of a Grievance**

- 8.1. A person may withdraw a grievance at any stage of the resolution process. If a grievance is withdrawn, the matter will be deemed to be closed.

## **9. Record Keeping**

- 9.1. Accurate, appropriate and secure records will be kept by the person(s) responsible for overseeing or managing the resolution process for each particular grievance.

## **10. Outcomes**

- 10.1. A matter is resolved successfully if all parties find the outcome(s) acceptable. Should a party not be satisfied with the result, he/she can choose to pursue the matter further in accordance with Appendix 1.
- 10.2. Each complaint or grievance is to be dealt with on its circumstances and merits and any settlements reached through the grievance process will not constitute any binding precedent for future situations.

## **11. Related Documents (including Policies and Procedures)**

- 11.1. Heritage College Council Handbook
- 11.2. Rules of Heritage College Incorporated
- 11.3. Code of Conduct for College Councillors
- 11.4. Heritage College Staff Code of Conduct
- 11.5. Staff Handbook
- 11.6. Privacy Policy
- 11.7. Whistle-blower Policy

## **Document History**

1998	Policy written as Complaints Policy (C7)
2004	Policy rewritten as Dispute Resolution Policy (G2) and approved by Council
Feb 2007	Policy revised and modified to include flowcharts as requested by NGSRB
Feb 2010	Reviewed, updated and approved by Council
Nov 2011	Minor modification to one flowchart as suggested by NGSRB
May 2013	Reviewed, updated with minor changes and approved by Council.
June 2016	Policy reviewed, updated and approved by Council
Sept 2019	Policy reviewed, updated and renamed Conflict Resolution, approved by Council
May 2021	Policy reviewed, updated and renamed Grievance Policy, approved by Council

## Appendix 1: Complaint Handling Escalation Flowchart

To be read in conjunction with the Policy which adds further detail.  
 Seeking to act with Christ-like behaviour modelling the moral & spiritual principles in  
 Matthew 18:15-16, Philippians 2:3-5, John 13:34-35.

