



SCOTCH OAKBURN COLLEGE

Grievance and Complaints Handling Procedure

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Audience:	The College Community

Introduction

The procedures described below outline the processes which will be followed at Scotch Oakburn College (College) in relation to complaints and grievances. Our Grievance Policy requires that that proper, fair and transparent processes exist to investigate, resolve and learn from any reasonable grievance or issue. Relevant communication, investigation and restoration will be completed in line with these Procedures, the Grievance Policy and the College's Code of Conduct.

In line with the College's Governance Policy these grievance and complaints handling procedures align with the Australian Standard detailing *Guidelines for Complaint Management in Organisations AS/NZS 1002:2014*. This standard requires the College to:

- provide a complainant with access to an open and responsive complaints and grievance process;
- enhance the College's ability to manage grievances in a consistent, systematic and responsive manner;
- enhance the College's ability to identify trends, eliminate causes of grievances and improve the College's operational effectiveness;
- encourage and support staff to improve their skills in grievance management; and
- provide a basis for the ongoing review and analysis of the grievance management system, resolution of grievances and process improvements made; and
- reducing the likelihood of grievances developing into ongoing disputes.

These procedures apply to;

- staff members (where issues fall outside the dispute resolution process within the applicable Enterprise Agreement);
- students;
- parents/guardians;
- contractors (where issues fall outside the dispute resolution process within contracts);
- the wider College community.

What matters are dealt with under these procedures?

These procedures are to be used to resolve issues related to the following matters:

- General grievances where initial discussions or interactions have failed to resolve an issue;

- discrimination, harassment or bullying;
- matters that may cause financial or non-financial loss that may damage the College's reputation;
- breaches of relevant laws, licences, codes, regulations or criminal acts;
- child protection issues (where a grievance is about alleged inappropriate physical contact, sexual misconduct, neglect, or psychologically harmful conduct by an adult towards any child or young person);
- corruption, fraud or circumvention or breach of fiscal responsibility with College funds;
- serious breaches of safety or deliberate and repeated defiance of workplace procedures;
- failure to operate within limits of financial authority and delegations; or
- concealment or non-disclosure to management or audit or any relevant information or actual breach.

Reporting of Serious Concerns

Persons are encouraged to refer to College policies for any concerns about any conduct that may breach the law or Scotch Oakburn College's policies. If, in doing so, a person is not able to obtain a satisfactory response to their concern after following these procedures, or the concern is of such a serious nature that it could affect the whole College and its reputation, the issue may be escalated to a higher authority in accordance with the College's whistleblowing procedure, *Dealing with a Serious Concern*.

A person who reports any such concern in good faith, is protected from discrimination or other reprisals to the extent that the law permits.

What matters are not dealt with under these procedures?

1. Grievances specific to industrial matters covered under the College's Enterprise Agreements are to be resolved under the Dispute Resolution clauses contained within the respective Agreements. Refer to:
 - Scotch Oakburn College (Teachers) Enterprise Agreement;
 - Scotch Oakburn College (Non-Teaching Staff) Enterprise Agreement;
2. Grievances specific to contracts with clear dispute resolution processes.

What is the Grievance or Complaints Handling Procedure?

The first step is to outline the issue or behaviour that you believe is unfair or has caused concern to the person with whom you have an issue. This may be the easiest way of resolving your dissatisfaction if you feel comfortable speaking to the other person involved. You can explain what behaviour, decision, procedure or action was unfair or caused you concern and why.

Through discussion the issues may become clear and the parties have a chance to address the problem. Many grievances can be resolved at this level. If you choose to speak to the person it would be helpful if you could:

- describe clearly the action or behaviour that is objected to;
- focus on the behaviour of the person not on their personality;
- speak clearly and calmly; and
- state the outcome you are seeking.

Where you feel that you cannot approach the person directly or you are dissatisfied with their response, you can escalate the grievance using the following approach.

To whom should you raise your concern?

Staff

For members of staff with a grievance about another staff member you should wherever possible first raise the matter with the other staff member and seek to resolve the matter through a mutually agreeable outcome. If you have been unsuccessful in that approach you should follow the flowchart below:

Grievance flowchart

Step	Action
1	Is the grievance about the staff member's immediate Supervisor/Manager? If yes - go to Step 4 If no - continue
2	Staff member raises their grievance with their immediate Supervisor/Manager in an attempt to resolve the grievance.
3	Is the grievance resolved? If yes - go to Step 6 If no - continue
4	Staff member raises the grievance with the next Management level up in an attempt to resolve the grievance.
5	Repeat Steps 3 and 4 until the Principal is reached. Parties, in consultation with the Principal, have the discretionary powers to refer the matter to an external party for mediation as required.
6	Supervisor/Manager advises Human Resources of the grievance and outcome and lodges all relevant paperwork for filing on the staff member's file.

For members of staff with a grievance about a parent you should first raise the issue with the Head of School.

For members of staff with a grievance about a student you should first raise the issue with the Head of House and/or Head or Deputy Head of School.

For members of staff with a grievance about the Principal you should first discuss the matter with him/her. If your grievance is not resolved in a timely manner or you remain dissatisfied with the outcome you may address your concern in writing and direct to the Chairperson of the Board of Governance who will address the issue in line with the Scotch Oakburn College Grievance Policy.

Parents/Guardians

If you are a parent/guardian with a grievance about a member of staff, you should wherever possible first raise the matter with the member of staff and seek to resolve the matter through a mutually agreeable outcome. If you have been unsuccessful in that approach you should follow the flowchart below:

Grievance flowchart

Step	Action
1	Is the grievance about the student's immediate teacher? If yes - go to Step 4 If no - continue
2	Student/ Parent/Guardian raises their grievance with the student's immediate teacher in an attempt to resolve the grievance.
3	Is the grievance resolved? If yes - go to Step 6 If no - continue
4	Student/Parent/Guardian raises the grievance with the next key College contact level up in an attempt to resolve the grievance.
5	Repeat Steps 3 and 4 until the Principal is reached. Parties in consultation with the Principal have discretionary powers to refer the matter to an external party for mediation as required
6	Staff member/key College contact advises the Principal of the grievance and outcome and lodges all relevant paperwork for filing on the students file

If you are a parent/guardian with a grievance about a student other than your own child you should raise it with:

1. Classroom Teacher or Head of Boarding (if student is a Boarder)
2. Heads of House
3. Deputy Head of School
4. Heads of School
5. Principal

For parents/guardians with a grievance about the Principal you should first discuss the matter with him/her. If your grievance is not resolved in a timely manner or you remain dissatisfied with the outcome you may address your concern in writing and direct to the Chairperson of the Board of Governance who will address the issue in line with the Scotch Oakburn College Grievance Policy.

Students

If you are a student with a grievance about another student you should first discuss the matter with the student and if there is no resolution and the issue persists' raise the matter with the key contacts as listed below.

If you are a student with a grievance about a member of staff you should raise it first with your class teacher or Head of School.

For students with a grievance about the Principal you should first discuss the matter with him/her. If your grievance is not resolved in a timely manner or you remain dissatisfied with the outcome you should discuss the matter with your parent/guardian or another trusted adult (this could be a staff member of the College). If you still believe your grievance requires resolution you may address your concern in writing and direct to the Chairperson of the Board of Governance who will address the issue in line with the Scotch Oakburn College Grievance Policy.

Who are the key contacts of the College?

Key Contacts for Students/Parents/Guardians

- Heads of House
- Heads of Department
- Deputy Head of School
- Heads of School
- Human Resources Manager
- Business Manager
- Principal

Key Contacts for Staff

- Heads of House
- Heads of Department
- Heads of School
- Human Resources Manager
- Business Manager
- Principal

Key Contacts for the General Community

- Principal
- Business Manager

How will the College go about resolving your grievance?

The first step with any grievance is to ensure, so far as is reasonably practicable, that the appropriate person is handling your grievance in accordance with these procedures.

When this has been ascertained, the person handling your grievance will record details (see Record of Grievance - Appendix 1) of the information you provide in support of your grievance; ask you what action you would like taken in response to your grievance; and explain to you how the grievance procedure works.

The College's Grievance Policy states that all members of the College community are entitled to make a grievance, either formally or informally.

Informal Grievances

This involves informal and private discussions to attempt resolution or reconciliation between the parties involved, and is usually the first attempt in resolving a grievance.

Expressing concerns directly to the party whose actions appear unfair or unacceptable gives both parties the opportunity to discuss the issue openly, hear all perspectives and seek resolution to all parties mutual satisfaction.

This may be done with or without the assistance of appropriate key College contacts.

In the event that this is not possible or the grievance is not resolved to a mutually satisfactory outcome, a formal grievance may be lodged.

There may be occasion where the parties preference is to have the grievance dealt with informally; however, because of the potential risk (real or perceived), to the College, its staff members, students, parents/ guardians or the wider general community, the College may be obliged to deal with the grievance in a formal manner.

Formal Grievances

In the event that you wish to make a formal grievance then the following steps are undertaken.

The person handling your grievance will:

- enquire about your wellbeing and provide support wherever possible;
- provide advice on confidentiality and where appropriate identity protection;
- confidentiality may be extended to include others e.g. in the provision of necessary information, advice, support and/or mediation;
- invite you to bring a support person with you to any meeting that you are invited to attend to consider your grievance. Any person to whom your grievance relates will similarly be invited to bring a support person. The support person is invited to support and observe but not interrupt the meeting. The support person should not answer questions on your behalf and must maintain confidentiality about all matters discussed at the meeting;
- put the information received from you to the person about whom the grievance is made or to the person responsible for the particular area of school/college life to which the grievance relates and seek her/his response;
- where appropriate, interview any witnesses involved; and
- upon considering all the information gathered, reach a conclusion and advise parties of the outcome of the investigation.

What are the possible outcomes?

A grievance may be resolved in a variety of ways. This will depend on whether or not the grievance is substantiated, the seriousness of the matter, the wishes of the complainant and the nature of the working relationship of the persons involved.

A grievance is said to be substantiated if the person investigating it believes that on the balance of probabilities, the allegation did occur.

If the grievance is upheld or substantiated, the following are some possible outcomes depending on the nature of the grievance:

- an agreement between the parties;
- a verbal or written apology;
- the review of a policy or procedure;
- mediation;
- targeted professional development opportunity or training;
- dissemination of information;
- referral to counselling;
- directions about further interaction between the parties to the grievance;
- where a staff member is the subject of the grievance, disciplinary action may follow; and
- where a student is the subject of the grievance, a range of sanctions as set out in the College discipline policy may be invoked.

If a grievance is **not upheld or substantiated** (eg the evidence is insufficient on the balance of

probabilities) but the investigation reveals some inadequacies to be addressed then possible outcomes may include:

- relevant training for staff and/or students
- ongoing monitoring of behaviour of staff, students and/or parents;
- counselling for the parties involved;
- mediation at local level; and to
- review of policy or procedure.

If the grievance is **held not to have happened at all**, or if there is evidence that the grievance was made with the purpose or intent of causing distress to the respondent the following are possible outcomes:

- counselling for one or more of the parties involved
- a verbal or written apology from the complainant
- disciplinary action (where the person affected is a student, staff member, volunteer or contractor).

If the grievance cannot be resolved within the College, the matter may be referred to formal mediation with an independent mediator to assist parties in resolving the grievance.

What to do if you are not satisfied with the outcome at the conclusion of grievance process

Where a grievance has been dealt with at the College management level and you are not satisfied with the outcome you can escalate your grievance using the College's Dealing with a Serious Concern Procedure, where the investigation process will be reviewed and a decision made as to whether these procedures have been followed and reasonably determined.

Depending on the outcome of this investigation there may be further consideration of the matter or a determination of no further action required.

Right of review

The above process does not limit your right to use other external agencies and processes, such as the Privacy Commissioner, the Ombudsman, the workplace regulator or legal processes.

This option involves external arbitration through the courts in civil matters or through industrial tribunals in staffing matters. External arbitration means the grievance is no longer in the hands of the disputants to resolve or determine an outcome.

Confidentiality

All parties involved in the resolution of a grievance must take all reasonable steps to maintain the confidentiality and privacy of all parties to prevent:

- breach of privacy;
- the possibility of victimisation; and/or
- legal action for defamation.

Victimisation

It is unlawful to victimise any party who:

- raises (or intends to raise) a grievance;

- acts (or intends to act) as a witness;
- supports (or intends to support) a victim; and or
- assists (or intends to assist) in the investigation of a grievance.

Staff members and/or students who victimise another will be subject to disciplinary action.

Grievance Handling Responsibilities

Supervisor/Manager Responsibilities are to:

- monitor the College environment to ensure acceptable standards of conduct are observed at all times;
- ensure parties are familiar with the avenues for resolving grievances;
- uphold the values and aims of the College;
- take a pro-active approach to resolving grievances;
- clarify and gain confirmation as to whether the grievance is to be handled informally or formally;
- seek to resolve grievances at the lowest level and with mutually agreeable and appropriate solutions;
- ensure all grievances are dealt with in a timely manner and with confidentiality, impartiality and sensitivity;
- keep parties informed about progress in a timely and concise manner;
- ensure principles of procedural fairness are observed and grievances are dealt with free from discrimination, bias or victimization;
- seek the timely assistance, escalation and advice of appropriate parties including Human Resources;
- monitor for adherence to any agreement/resolution;
- follow up as required, and
- document appropriately for lodgement on staff/student file records.

Staff/Students/Parents/Guardians Responsibilities are to

- adhere to Scotch Oakburn College policies and procedures regarding all standards of conduct;
- use the framework and guidelines outlined in this procedure to raise and resolve grievances;
- ensure the party to whom a grievance is made, understands how you want the grievance dealt with (informally or formally);
- participate in investigations as required;
- maintain confidentiality;
- pro-actively seek appropriate support persons as required; and
- aim to resolve grievances at the lowest level and in a timely manner.

General College Community Personnel Responsibilities are to

- use the framework and guidelines outlined in this procedure to raise and resolve grievances;
- ensure the party to whom a grievance is made, understands how you want the grievance dealt with (informally or formally);
- participate in investigations as required;
- maintain confidentiality; and
- aim to resolve grievances at the lowest level and in a timely manner.

Record Keeping

Records of grievances, interviews and other documentation relating to a grievance investigated will be retained by the College in an appropriately restricted access file. These records must be kept in accordance with the relevant legislative requirements.

Related Documents

Grievance Policy
Dealing with a Serious Concern Procedure
Social Wellbeing Policy
Code of Conduct
Professional Code of Conduct
Health, Safety, Security and Environment Policy
Investigations Procedure

Appendix 1 Grievance record.

Confidential

Record of grievance

Date and time

Name of complainant

Address of complainant

Contact telephone number

Detail of grievance

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Date of incident leading to the grievance (if applicable)

Witnesses (if any)

Name of interview person

Name of person handling grievance

Follow up action

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APPENDIX 2 - Unreasonable Conduct by Complainants (Extract from AS 10002:2014)

A small number of complainants can act quite unreasonably in seeking to have their concerns addressed by the organization. For example, they might be aggressive and verbally abusive towards the organization's staff. They might threaten harm and violence, bombard the organization with unnecessary and excessive phone calls and emails, make inappropriate demands on its time and resources, and refuse to accept the organization's decisions and recommendations in relation to their complaints. When complainants behave in these ways the organisation may consider their conduct to be 'unreasonable'.

Complainant conduct is likely to be unreasonable where it involves behaviour which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the organisation, its staff, other service users and complainants, or the complainants themselves.

This behaviour may be transient, and definitions of 'unreasonable' apply to the behaviour rather than the person. An individual may exhibit unreasonable behaviour on one or more occasions but this does not mean they should be permanently deemed an 'unreasonable person'. Principles of fairness and equity still apply. Such unreasonable conduct by complainants does not preclude valid issues being addressed by the organization. The organization should, however, put in place appropriate strategies for managing such conduct fairly, ethically and reasonably.

Examples of Unreasonable Complainant Conduct

Examples of conduct that could either in isolation or taken together, constitute unreasonable complainant conduct include the following:

- Unreasonable persistence For example, making excessive numbers/volumes of telephone calls, emails, letters, and supplying excessive volumes of paperwork, in support of their complaint (when requested not to), or refusing to accept the decision of the complaint handler based solely on the fact it was not in the complainant's favour.
- Unreasonable demands For example, demanding more reviews than provided for in the review policy of the organization, demanding a different outcome without demonstrating that the original decision was wrong, making unreasonable demands generally (e.g. that the matter be given priority, that there be a new investigation or that the outcome be changed, or about how the complaint was handled).
- Unreasonable lack of cooperation For example, failing or refusing to identify the issue of complaint (where the complainant is capable of identifying the issue) or providing disorganized information (where the complainant is capable of organizing the information).
- Unreasonable arguments For example, expressing irrational claims/beliefs/ conspiracy theories, making vexatious complaints, or illogically or unrealistically denying any responsibility for actions or inaction.
- unreasonable anger, aggression or violence, or lying or being intentionally misleading.
- Such unreasonable complainant conduct (unacceptable complainant conduct) does not preclude valid issues being addressed by the organization. The organization should, however, put in place appropriate strategies for managing such conduct fairly and ethically.