

# FSAC Ltd

## Compliance Management Policy No.6

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## Grievance Management Procedure No 6.4

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2017

Document Approval and Version Control	
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Contact Officer: Manager Human Resources and Compliance Name: Craig Middleton	Next Review:30.06.2017

## 1. POLICY STATEMENT

### Board Policy No. 6 – Compliance Management

## 2. PROCEDURE STATEMENT

*The Board is committed to providing a fair, safe and productive educational environment, where grievances are dealt with in a transparent and equitable manner. An essential part of developing that environment is ensuring that members of the college communities (staff, students, parents, carers and the public) are encouraged to come forward with their grievances in the knowledge that the College will take appropriate action to resolve those grievances.*

**Note:** Clause 8 deals specifically with a complaints procedures to be followed if a person/s consider that the Student Protection in Anglican Schools Policy and Procedures has not been followed correctly.

**SPECIAL NOTE:** This Policy should be read in concert with Policy No. 2 Student Protection in Anglican Schools Policy and Procedures which deals with matters of harm, sexual abuse or inappropriate behaviour. The Student Protection policy and procedures must be kept at the forefront when considering and implementing the contents of this policy and associated procedures. In the event that reasonable suspicions that harm exists, and/or sexual abuse has occurred or is likely to occur, the Student Protection Policy and Procedures must be followed.

### 2.1. Scope

This procedure applies to all staff, parents and persons associated with the operation of the organisation.

### 2.2. Affiliated Authorities

- Anglican Church Southern Queensland Student Protection Policy and Procedures
- *Child Protection Act 1999*
- *Education (Accreditation of Non-State Schools) Act 2001*
- *Education (Accreditation of Non-State Schools) Regulation 2001*
- *Education (General Provisions) Act 2006*
- *Education (General Provisions) Regulation 2006*
- *Education (Queensland College of Teachers) Act 2005*
- Complaints Management in Anglican Schools Policy
- Privacy Procedure No. 6.2
- Whistle-blower Procedure No. 6.3
- Prevention of Workplace Bullying Procedure No. 8.14
- How to Manage Work Health and Safety Risks Code of Practice 2011
- *The Privacy Act (Cwth) 1988*
- *Whistleblowers Protection Act 1994*
- College Vision, Mission and Values
- College Enterprise Agreement 2013

## 3. PRINCIPLES

- The Colleges are open to receiving written grievances and approaches them in a positive manner.
- The Colleges have a commitment to the fair resolution of grievances at all levels.
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## 4. DEFINITIONS

**Complainant:** Refers to any person who lodges a written grievance.

**Confidentiality:** Implies a relationship between two or more persons in which the information communicated between them is to be kept in confidence

(Australian Legal Dictionary). The need for confidentiality can arise in a number of ways:

- As a contractual duty through a service agreement, employment contract or client agreement;
- As an ethical duty informed by a code of ethics or code of conduct;
- As a statutory duty governed by professional regulation or a particular legislative scheme.

**Due Process:** means procedural fairness and also refers to expeditious action to resolve grievances. Due process incorporates principles of natural justice.

**Grievance:** is an expression of dissatisfaction from any party (made verbally or in writing) with the College's service (including services managed by parents' organisations and committees). A grievance may be about the conduct of a person enrolled at, employed by or connected to the College; about specific practices and policies of the College; or about the College generally.

**Respondent:** is the party against whom a grievance is lodged.

**Natural Justice:** is the right to be given a fair hearing and the opportunity to present one's case, to have a decision made by an unbiased or disinterested decision maker and to receive procedural fairness.

**Victimisation:** is the unfavourable treatment of a person as a direct result of that person having made a complaint, or being the subject of a grievance.

## 5. APPLICATION

### 5.1. Confidentiality

The Colleges are committed to the confidentiality of all grievances, at all steps in the process of their resolution.

Only the College and persons directly involved in a grievance will have access to information concerning the grievance. It is expected that parties involved will discuss the matter only with their support persons or the other parties involved. This means that in the interest of natural justice and in finding a resolution, the person against whom a grievance is made, will in most instances be kept fully informed of the details and process in management of the Grievance.

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.

Although the Colleges are committed to the confidentiality of all grievances, 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 students, staff and the wider community.

### 5.2. Fairness and Protection

The Colleges are committed to a grievance process that is fair to all parties concerned. The process shall be based on the principles of natural justice. These principles include:

- Any person who is the subject of a grievance must be informed of all the allegations in relation to their behaviour.

- They must have a full opportunity to state their case.
- All parties to the grievance must have the right to be heard.
- All relevant submissions and evidence must be considered.
- Irrelevant matters must not be taken into account.
- The decision maker must be impartial and fair in their dealings with the parties.

Vexatious, trivial or previously finalised grievances will not be pursued by the Colleges.

Victimisation of either a complainant, respondent or any other person with a legitimate involvement in a grievance process will not be tolerated by the Colleges.

### 5.3. Responsiveness

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 timing of the grievance.

### 5.4. Documentation

Any documents created or dealt with during the course of the procedure will be marked 'confidential' and securely filed. These documents may only be accessed by the parties involved in the grievance.

## 6. PROCEDURE

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

1. 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.
2. Steps 3 and 4 comprise the formal process as, at this stage, the issue is determined by a third party.

The informal process utilises the concept of '**Contact Officers**'.

#### **Contact Officers:**

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. Contact Officers assist the parties during the informal processes by:

- Letting the parties communicate their concerns openly;
- Encouraging solutions;
- Document any solutions suggested by either party;
- Document in detail solutions that are finally determined;

Contact officers will at all times, be objective and maintain impartiality and maintain confidentiality at all times. The following positions may be considered to act as contact officers for complainants:

- *Student complainant:*
  - Head of House / Deputy Principal –Pastoral Care/Head of Primary - Deputy Principal (St John's);
  - Head of Student Services/Head of Primary - Deputy Principal (TSAC);
- *Parent complainant:*
  - Deputy Principal - Curriculum or Deputy Principal –Pastoral Care/Head of Primary - Deputy Principal (St John's)

## 6.1. Support Person

- Head of Student Services or Head of Curriculum/Head of Primary - Deputy Principal (TSAC)
- *Staff complainant:*
  - Principal/ Manager Human Resources and Compliance or the Chairman of School Council if the complaint is about the Principal or a Senior Leadership Staff member.

### **Support Person:**

Any person who has a grievance may be accompanied by a “support person” throughout any part of the grievance management process. 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 Chaplain.
- *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 do not have an active role in the resolution process. It is not the role of the support person to act as a spokesperson or advocate for the parties.

## 6.2. Stage 1. Informal Discussions

The Colleges recognise 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 discussed initially with the Teacher or Head of Department. If the grievance is sports or activities related, the matter should normally be initially discussed with the team or activity coach or the head of the sport or activity, for example the Head of Sport or the Head of Performing Arts.

Grievance should normally be addressed via informal discussion in the first instance. Grievances should not normally progress to the next phase of the process unless both parties have first attempted to discuss and resolve the issue at the local level.

### **Objective:**

- 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.

### 6.3. Stage 2 – Informal Mediation

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.

#### Objective:

- 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:
  - 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.
- iii. A copy of the written grievance is given to the Principal.
- 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 grievance, 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 resolutions. The Contact Officer will be neutral in their dealings with each party both before and during the mediation.

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

#### Investigator:

- i. The following people are appointed as investigators, or, if the parties agree, an independent arbiter may be selected by them.
  - a. *Student complainant*: Principal or other such person the Principal may appoint.

- b. *Parent complainant*: Principal or other such person the Principal may appoint.
- c. *Staff complainant*: Member of the School Council or other senior person as the School Council may appoint.
- ii. If the Principal 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 FSAC Ltd Board.
- iv. If the Chairman of the Board, or the School Council, FSAC Ltd Board as a group, is the subject of the grievance, the matter should be referred to the Director of Professional Standards at the Anglican Church Southern Queensland or the Archbishop.

**Role of Investigator:**

In determining the substance of the allegations/ grievance and recommending a course of action, the investigator must review the written grievance 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 either the complainant or 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:
  - a. Uphold the grievance; or
  - b. 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;
  - a. Discipline or reprimands;
  - b. Counselling;
  - c. A change in policy/procedure of the Colleges.
- 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.

**6.5. Stage 4 - APPEALS**

**Appeals Committee:**

- i. The appeals committee consists of three persons:
  - a. The Chairman or Deputy Chairman of the FSAC Ltd Board;
  - b. Two other members chosen by the Chairman or Deputy Chairman of FSAC Ltd Board who may or may not be Board members or members of the College Council.
- ii. If a member of the College 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;
  - a. Written complaint;
  - b. Written response;
  - c. Records of the Contact Officer from mediation;
  - d. 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.

**Determination of the Appeals Committee:**

- i. The appeals committee may only:
  - a. Uphold the decision of the investigator;
  - b. 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 be in writing and 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."

**7. RIGHTS AND RESPONSIBILITIES**  
**7.1 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 or ill treatment, from any source, 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 Principal.
- To ensure that any support person understands their role in the process.

## 7.2 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, but no later than 5 working days after receiving the written grievance.
- 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 and Principal.
- To ensure that any support person understands their role in the process.

## 8. Complaints procedures where a person consider that the Student Protection in Anglican Schools Policy and Procedures has not be adhered to

If a person considers that the Anglican Church Southern Queensland Student Protection Policy and Procedure has not been followed they may lodged a complaint with the Director of Professional Standards, Anglican Church Southern Queensland [dops@anglicanchurchsq.org.au](mailto:dops@anglicanchurchsq.org.au) or Telephone (07) 3835 2266.

## 9. Procedure Administration

In accordance with procedure development and review protocol this procedure will be recorded as an authorised procedure approved by the FSAC Ltd Board at its meeting of the date shown on the front of this procedure document.

The procedure will be reviewed twelve (12) months from the date of the approval shown herein. Notwithstanding the schedule review, should any circumstance change materially before the twelve (12) month review period, the policy will be immediately reviewed in order to maintain appropriate accuracy, relevance and authority.