POL1.1A Grievance Policy_Parents/Guardians

INTRODUCTION	Trinity Lutheran College Mildura (the School) shall maintain a fair process to resolve grievances brought forward by members of the School community. In doing so, the School seeks to achieve and maintain a setting that encourages a productive and harmonious School environment. Within this context, grievances shall be dealt with quickly, impartially, and fairly. The College will acknowledge receipt of the complaint (raised within the parameters of this policy) within 5 business days. In this response the College will consider the details of the complaint and how to appropriately address the concerns raised and provide you with details in relation to the management of the grievance.
PURPOSE	The purpose of this Grievance Procedure is to provide parents, guardians with an opportunity to lodge a complaint and provide an avenue to facilitate a resolution. The School aims to foster a culture in which appropriate standards of conduct are maintained by community members at all times, and that complaints are managed and resolved fairly, efficiently, promptly and in accordance with relevant legislation. The School aims to provide a harmonious, positive and productive environment and supports the practices of dispute resolution and confidential mediation as a means to resolve issues. The aim of the School's grievance procedure is to produce a solution, which is acceptable to the individuals involved and the School. Not all problems however, will be capable of resolution which satisfies all concerned. This grievance procedure will ensure that the problem is addressed and that a clear response is provided at each stage of the process. The procedure involves both formal and informal components.
RESPONSIBILITY	The Principal has overall responsibility for this policy.
DEFINITION	A grievance is an expression of dissatisfaction made to the School, related to the conduct of School activities, or the resolution process itself, where a response is explicitly or implicitly expected. For the sake of simplicity, the term 'grievance' will be used in the context of this Policy and procedure to refer to grievances, complaints and interpersonal disputes, but does not include matters relating to the safety of a child. If you have a concern about the safety of a child, please refer to the Child Safety Policy. **Investigator**: the person nominated by the school to handle the complaint or their delegate. **School**: Trinity Lutheran College Mildura
POLICY	**1. Grievance Management** 1.1. Where possible, grievances shall be dealt with locally and informally. 1.2. Grievances reported (whether formally or informally) to an employee shall be dealt with informally and in confidence wherever possible and appropriate. In addition, it is expected that all parties will approach the issues and individuals in a courteous and solution focused manner.

1.3. Anonymous grievances with no identifiable source will not be considered under this Policy.

1.4. The School shall use this Policy where appropriate, to seek to resolve grievances which fall within the School's area of responsibility. All cases of serious misconduct including but not limited to, sexual offences, criminal charges, or serious incidents will be referred to external authorities.

1.5. If required the Principal will, following consultation with the Deputy Principal, Business Manager and Student Wellbeing Coordinator as appropriate, establish a process and assign a pool of persons within the School and externally (using appropriately qualified persons) who have relevant skills and expertise in dispute resolution, as outlined in this document.

1.6. Communication shall be open and honest, focusing on the issue and not the person. This includes listening carefully and respectfully while the person is talking, exercising responsibility and mutual respect (respect by employees for parents' special relationship with their children and respect by parents for employees as professionals). Parents must comply with the Parent Code of Conduct at all times when pursuing a grievance under this Policy.

1.7. When an issue is discussed in the students' presence, it is important that parents and students have confidence that the issue will be resolved confidentially at the School level.

1.8. Constructive feedback helps everyone learn, grow and change for the better. Where both parties agree to seek a positive resolution, positive outcomes are likely to result.

1.9. If the grievance relates to the conduct of the Principal, the matter shall be referred to and handled by the College Board Chair and or LEVNT District Office Representative.

2. Confidentiality

2.1. We are committed to creating a safe environment for all members in our community. The Investigator will maintain confidentiality as far as possible. However, it may be necessary to speak with other persons in order to determine what happened, to afford fairness to those against whom the complaint has been made, and to resolve the complaint. If a complaint is raised and it appears that unlawful conduct had potentially occurred, in order to uphold this policy, the School will need to take appropriate action in relation to the complaint.

2.2. All persons aware of the complaint (and/or involved in the informal or formal grievance procedure) must also maintain confidentiality, including the person who lodges the complaint. Spreading rumours or gossip may expose individuals to a defamation claim. Individuals may discuss the complaint with a designated support person or representative. However, the support person or representative must also maintain confidentiality.

GRIEVANCE PROCEDURE

PRELIMINARY STEPS

1. Talk to the person directly

1.1 If your grievance relates to the conduct of a particular person, and you feel comfortable in doing so, it may be appropriate to talk to the person directly about your grievance at first instance. Parent/Guardian is to make an appointment to talk with the person/s.

1.2 When speaking to the person, you should:

(a) identify the conduct that is causing you concern;

(b) how the conduct makes you feel; and

(c) explain how you would like the issue to be resolved.

1.3 If you do not feel comfortable talking to the person directly, or you have tried this method but it did not resolve your grievance, you may choose to lodge a complaint to the School.

2. Lodge Complaint to the School

2.1 If you would like to lodge a complaint with the School, you must provide it to the School as follows:

(a) If your complaint is against a person *other than* the Principal, the Deputy Principal, or a member of the College Board, you must lodge a complaint in writing to the Principal or the Deputy Principal.

(b) If the complaint is against the Principal or the Deputy Principal, you must lodge a complaint in writing to the Chair of the College Board.

(c) If the person against whom the complaint is made is a member of the College Board, you are required to lodge a complaint in writing to the Director of Lutheran Education VIC, NSW & TAS (LEVNT). Where a person is unable to put it in writing assistance will be provided.

2.2 The complaint should include clear details about the particular allegations (e.g. who, what, when, where) and preferably be supported by evidence.

2.3 The Investigator will, acknowledge receipt of the complaint, consider the details of the complaint and how to appropriately address the concerns raised, and provide you with details in relation to how the complaint will be handled.

2.4 All options will be considered to address the complaint. It will depend on the specific circumstances of the case as to which method is appropriate, including what is in the best interests of the students and the School. The Investigator will exercise discretion to determine how to resolve a complaint.

2.5 It may be necessary in some circumstances for the Investigator to obtain advice and pastoral support from an external person (e.g. a legal adviser) to ensure that the complaint is appropriately and fairly handled.

2.6 In circumstances where the complaint is made against a member of the College Board, the Director of LEVNT will need to comply with this Policy, the School's Constitution and any other relevant governance requirements.

2.7 If the complaint relates to allegations concerning the safety of a child, the Investigator will refer to the School's Child Safety Policy and Procedure.

2.8 If the complaint relates to allegations concerning criminal code, the Investigator is entitled to make a report to the Police.

DISPUTE RESOLUTION WITHIN THE SCHOOL

3. Initial investigation

3.1 The School will investigate the matter to establish the facts.

3.2 Having established the facts, the Investigator in consultation with the Principal and Deputy Principal, shall determine whether the grievance:

(a) will be dismissed;

(b) is to be handled informally; or

(c) is to be handled formally; or

(d) will be referred to an external consultant or dispute resolution expert.

3.3 The School and the Investigator must keep records of the investigation, including making written records of any conversations had during the investigation.

4. Informal complaint procedure

4.1 At the discretion of the Investigator, the informal complaint procedure may be implemented. Without limiting the circumstances in which the informal complaint procedure may be implemented, the informal complaint procedure is suited to less serious allegations that do not warrant disciplinary action being taken.

4.2 There are various informal methods available to address complaints. It will depend on the specific circumstances of the case as to which method is appropriate.

4.3 Possible options may involve the Investigator:

(a) discussing the issue with the person against whom the complaint is made; and/or

(b) facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

4.4 The Investigator must keep records of the investigation undertaken during the informal complaint procedure, including making written records of any conversations had during the investigation.

5. Formal complaint procedure

5.1 At the discretion of the Investigator, the formal complaint procedure may be implemented.

5.2 An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Formal investigations will be conducted as quickly as possible to protect the interests of all parties involved.

5.3 The Investigator will conduct the formal investigation in line with procedural fairness and make recommendations about resolving the complaint.

5.4 The Investigator will meet formally with the complainant and advise them of the process that will occur (outlining the steps in this procedure). Matters such as confidentiality and any adjustments that need to be considered to work arrangements on a temporary basis should also be canvassed.

5.5 A statement of grievance shall be taken, providing particulars that can be essential to support investigation of the matter and/or conveyed to the other persons impacted. These details should be reviewed by the complainant to confirm their accuracy and completeness. An indication of the desired outcome from the complainant's point of view should also be sought. The School should remind the complainant of the confidentiality of the process and issues.

5.6 If the complaint is against an individual, the Investigator, in consultation with the Principal, Deputy Principal, Business Manager and Student Wellbeing Coordinator as appropriate, will write to the individual named by the complainant (the respondent), advising them of the complaint, providing a summary of the particulars. This letter should invite the respondent to a meeting at which the issues can be set out in detail, and it should inform them of their right to be accompanied by a 'support' person.

5.7 Where possible, the length of time between the written notification and the meeting should be long enough for the individual to arrange a suitable support person; where an individual's preferred support person is not available at the time appointed for the meeting, the School may allow a delay of at least 24 hours to allow the person to select another support person.

5.8 Meetings should be held in a suitable location where interruptions will be minimised.

5.9 At the meeting with the respondent, the School should explain the grievance. The respondent should be allowed to consider the grievance or issues raised before responding (which may require an adjournment). The

respondent shall also be allowed to ask questions and offer their perspective. The School should remind the respondent of the confidentiality of the process and issues, the availability of support and any temporary workplace arrangements that have been suggested.

5.10 Following the meeting the School will consider how to proceed depending on merits established in the information provided. Where it is decided that no action is justified, both the complainant and respondent should be informed. It may be appropriate to then consider informal issue resolution between the parties with the assistance of a manager, focusing on future conduct and agreements.

5.11 If the grievance is established and disciplinary or corrective action is considered justifiable, the Investigator in consultation with the Principal, Deputy Principal, Business Manager and Student Wellbeing Coordinator as appropriate, shall determine an appropriate outcome. The outcome (regardless of its nature) is to be communicated to the respondent in person and in writing.

5.12 The formal investigation will remain strictly confidential to the extent possible.

6. Possible Outcomes

6.1 The parties will be notified about the outcome of the informal complaint procedure or the formal complaint procedure as appropriate.

6.2 The possible outcomes will depend on the nature of the complaint and the procedure followed to address the complaint. Where an investigation results in a finding that a person has engaged in unlawful conduct or breach of a policy or contract, that person may be disciplined (including and up to termination of employment or enrolment).

6.3 The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in disciplinary action. Any disciplinary action is a confidential matter between the affected individual/s and the School.

6.4 The main purpose of grievance resolution is to resolve issues between individuals in a supportive, fair and constructive way. Identifying appropriate behaviours for the future and strategies to avoid further conflict are also important. Remedies (if not disciplinary) may include the provision of an apology or similar step (depending on the nature and severity of the conduct that has occurred).

6.5 Sometimes, the only achievable outcome may be an understanding of the matters raised and a recommendation to follow or improve guidelines or procedures or improve communication in the future. Sometimes either the formal or informal grievance procedure will not resolve the issue to the satisfaction of all parties, or the parties may have to agree to disagree on the outcome.

6.6 If the findings of the Investigator indicate that the misconduct, or its continuance, is sufficiently serious, they may decide to implement disciplinary action.

7. Appeals process

7.1 Complainants and respondents are entitled to appeal decisions made. Appeal applications can be made by making an application to the Principal for a decision to be reviewed.

7.2 Prior to making an application to the Principal for a decision to be reviewed, the individual must discuss the matter initially with the Investigator.

7.3 Requests for the Principal to review a decision shall be in writing and briefly set out reasons for the appeal and the outcome sought.

7.4 The Principal has the discretion not to proceed with the appeal which may include, but is not limited to the following:

(a) where the application for review of the action was made more than one year after the action complained of, and there are no exceptional circumstances explaining this delay;

(b) where the application for review of the action is frivolous or vexatious;

(c) where the action or instruction was both lawful and reasonable (taking account of all the circumstances);

(d) where the affected person has previously applied for review of the same action under these provisions;

(e) where the affected person does not have sufficient direct personal interest in review of the action; and / or,

(f) where there are alternative internal review procedures (including, but not limited to, disciplinary action, promotion, anti-bullying, sexual harassment or discrimination and action arising under the relevant occupational health and safety laws) in which case the Principal will advise the complainant of the alternative procedure.

7.5 Upon receipt of an application for review, the Principal will determine the most appropriate way to review the decision in accordance with the principles outlined above.

7.6 The Principal may, dependent on circumstances and at their discretion, discuss the matter with the College Board Chair.

7.7 Once the review is completed, the Principal will advise the individual (and his/her manager as appropriate) of the Principal's decision. Options the Principal may adopt include:

(a) confirming the decision of the initial investigation;

	(b) undertaking further investigation of any new information made available; (c) varying the action; (d) setting the action aside and substituting a new action; or (e) dismissing the grievance as unsubstantiated. 7.8 If you are not satisfied with the outcome or the way in which the School has handled your complaint contact the Director of LEVNT or VRQA.
RELATED DOCUMENTS	06.04 Lutheran Church of Australia Complaints Handling Policy POL1.10 Valuing Community POL5.2_Enrolment Terms and Conditions; POL1.3_Privacy Policy; POL1.9_Parent Code of Conduct; and CPS01, 02, 03_Child Safety Policy, Procedure & Code of Conduct. COU6.3 Whistleblower Policy

RECORD OF IMPLEMENTATION

Contact officer	*Eloise Beveridge (Principal)*
Approved by	*Executive leadership 18/5/2020*
Ratified by	*Trinity Lutheran College Board*
Authorization	*Trinity Lutheran College Board authorizes this policy for publication and implementation having considered relevant legislation and/or operational requirement of users.*
Tracking	*Ratified 19/5/2020* *Updated and ratified 16/11/2021*
Review Date (3 year cycle)	*Next review 2024*