



Geelong Lutheran College is committed to providing a safe environment for all our students when they are in the care of the College.

Definition

The College: Geelong Lutheran College St John's Newtown and Armstrong Creek.

Parents: Parents, Guardians, Caregivers

Investigator: the person nominated by the College to handle the grievance or their delegate

Introduction

Geelong Lutheran College will maintain a fair process to resolve grievances brought forward by members of the College community. In doing so, the College seeks to achieve and maintain a setting that encourages a productive and harmonious College environment.

Within this context, grievances shall be dealt with quickly, impartially and fairly.

Purpose

The purpose of this Grievance Policy and Procedure is to provide parents and students with an opportunity to lodge a grievance and provide an avenue to facilitate a resolution.

The College aims to foster a culture in which appropriate standards of conduct are maintained by community members at all times, and that grievances are managed and resolved fairly, efficiently, promptly and in accordance with relevant legislation. The College 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 College's grievance procedure is to achieve a solution, which is acceptable to the individuals involved, and the College. 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.

Definition of grievance

A grievance is an expression of dissatisfaction made to the College, related to the conduct of College 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, grievances 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 Safe Policy.

Policy

Where possible, grievances will be dealt with locally and informally. Grievances reported (whether formally or informally) will 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.

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

The College shall use this Policy where appropriate, to seek to resolve grievances which fall within the College'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.



The Head of College will, following consultation with the Principal and/or other members of the College Executive Team, as appropriate, establish a process and assign staff and externally (using appropriately qualified persons) who have relevant skills and expertise in dispute resolution, as outlined in this document.

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 child/ren 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.

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 College level. Constructive feedback helps everyone learn, grow and change for the better.

If the grievance relates to the conduct of the Head of College, the matter shall be referred to and handled by the Chair of the College Council.

Confidentiality

The College is 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 grievance has been made, and to resolve the grievance. If a grievance is raised and it appears that unlawful conduct had potentially occurred, in order to uphold this Policy, the College will need to take appropriate action in relation to the grievance.

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

Grievance Procedure – Preliminary Steps

Talk to the person directly

If the 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.

When speaking to the person, you should:

- identify the conduct that is causing you concern;
- how the conduct makes you feel; and
- explain how you would like the issue to be resolved.

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 grievance to the College.



Lodge grievance to the College

If you would like to lodge a grievance with the College, you must provide it to the College as follows:

- If your grievance is against a person *other than* the Head of College, you must lodge a grievance in writing to the Head of College.
- If the grievance is against the Head of College, you must lodge a grievance in writing to the Chair of the College Council.
- If the person against whom the grievance is made is a member of the College Council, you are required to lodge a grievance in writing to the Executive Director of Lutheran Education VIC, NSW & TAS (**LEVNT**).
- The grievance should include clear details about the particular allegations (e.g. who, what, when, where) and preferably be supported by evidence.
- The person nominated by the College to handle the grievance, or their delegate (the Investigator) will, within a reasonable period of time, acknowledge receipt of the grievance, consider the details of this and how to appropriately address the concerns raised, and provide you with details in relation to how the grievance will be handled.
- All options will be considered to address the grievance. It will be 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 College. The Investigator will exercise discretion to determine how to resolve a grievance.
- It may be necessary in some circumstances for the Investigator to obtain advice and pastoral support from an external person to ensure that the grievance is appropriately and fairly handled.
- In circumstances where the grievance is made against a member of the College Council, the Executive Director of LEVNT will need to comply with this Policy, the College's Constitution and any other relevant governance requirements.
- If the grievance relates to allegations concerning the safety of a child, the Investigator will refer to the College's Child Safe Policy and Procedure.
- If the grievance relates to allegations concerning criminal code, the Investigator is entitled to make a report to the Police.

Dispute Resolution within the College

Initial investigation

The College will investigate the matter to establish the facts.

Having established the facts, the Investigator in consultation with the Head of College and Senior Leadership Team, shall determine whether the grievance:

- will be dismissed;
- is to be handled informally; or
- is to be handled formally; or
- will be referred to an external consultant or dispute resolution expert.

Informal grievance procedure

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



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

Possible options may involve the Investigator:

- discussing the issue with the person against whom the grievance is made; and/or
- facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

Formal grievance procedure

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

An investigation involves collecting information about the grievance 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.

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

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.

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 College should remind the complainant of the confidentiality of the process.

If the grievance is against an individual, the Investigator, in consultation with the Head of College or Principal as appropriate, will write to the individual named by the complainant (the respondent), advising them of the grievance, 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.

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 College may allow a delay of at least 24 hours to allow the person to select another support person.

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

At the meeting with the respondent, the College 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 College should remind the respondent of the confidentiality of the process, the availability of support and any temporary workplace arrangements that have been suggested.



Following the meeting, the College 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.

If the grievance is established and disciplinary or corrective action is considered justifiable, the Investigator in consultation with the Head of College or Principal 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.

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

Possible Outcomes

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

The possible outcomes will depend on the nature of the grievance and the procedure followed to address the grievance. 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).

The type and severity of disciplinary action will depend on the nature of the grievance 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 suspension or termination of a student's enrolment or termination of employment (if relevant). Any disciplinary action is a confidential matter between the affected individual/s and the College.

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).

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.

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

Appeals process

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

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



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

The Head of College has the discretion not to proceed with the appeal which may include, but is not limited to the following:

- 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;
- where the application for review of the action is frivolous or vexatious;
- where the action or instruction was both lawful and reasonable (taking account of all the circumstances);
- where the affected person has previously applied for review of the same action under these provisions;
- where the affected person does not have sufficient direct personal interest in review of the action; and / or,
- 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 Head of College will advise the complainant of the alternative procedure.

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

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

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

- confirming the decision of the initial investigation;
- undertaking further investigation of any new information made available;
- varying the action;
 - setting the action aside and substituting a new action; or
 - dismissing the grievance as unsubstantiated.

If you are not satisfied with the outcome or the way in which the College has handled your grievance, you can contact the Executive Director of LEVNT or the VRQA.

Related policies and procedures

Enrolment terms and conditions;
Privacy Policy;
Parent Code of Conduct; and
Child Safety Policy, Procedure & Code of Conduct.

Evaluation

This Policy and Procedure will be reviewed as part of the College's five-year review cycle.

College Council Adopted: June 2019