

## Policy

It is the policy of St Peter's Girls' School that if and when grievances occur, the following guidelines should be adopted to resolve the situation.

All grievances concerning the School, including the Early Learners' Centre, must be dealt with according to this policy. Neither the Minister for 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. Any complaint made to the Minister or the Department will be redirected to this policy.

### 1 Statement of Purpose and Commitment

It is recognised that, from time to time, grievances may arise within the School community. This policy sets out processes by which matters of concern can be addressed expeditiously, confidentially and with sensitivity to all concerned.

The policy and procedures which follow provide for the resolution of grievances. For the purposes of this policy a grievance can arise from any of the following:

- a course of behaviour, an act or perceived inaction by a member of the School community (Staff, parent or student) which has or is likely to have an unreasonable negative impact on the ability of another member of the School community to undertake his/her duties, work or studies at the School;
- any real or perceived ground for complaint including perceived racial or sexual harassment; discrimination on the grounds of disability, race, religious belief, political viewpoint, gender, marital status, or pregnancy; or
- any other allegation of real or perceived unfair or improper treatment.

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

- Conflict of interest;
- Discriminatory, unreasonable, unprofessional or inappropriate behaviour or conduct by School Staff, parents or students;
- Allegations of bias and/or failure to afford due process or natural justice;
- Sustained interpersonal conflict; or
- Industrial issues – see Section 5 of this Policy.

The School is committed to:

- Ensuring that the School is a safe, fair and just place in which to work and study;
- 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;
- Supporting the right of every member of the School community to have his/her/their grievances listened to, addressed fairly and dealt with expeditiously; and
- Attempting to resolve disputes and grievances in a non-threatening, respectful manner and in a supportive environment.

## 2 Guiding Principles

The health, safety and well-being of all members of the School community, students and adults alike, remains the highest priority.

People are entitled to lodge a grievance.

Grievances should be lodged in good faith and without frivolous, malicious or vexatious intent.

All resolution policies and processes acknowledge and value different perspectives and operate under the principles of impartiality, promptness and protection from victimisation.

Every reasonable effort will be made by the School and its representatives to ensure that a person who lodges a grievance will not be treated unfairly or victimised because of the grievance, nor that anyone dealing with the grievance will be coerced or intimidated.

The School 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 at the School free from harassment or retribution. The School will facilitate this process through, for example, providing contact persons to assist or nominating persons to follow up and supervise any agreed result or outcome.

Complainants are encouraged to firstly and, where practicable, seek to resolve a complaint informally. Formal procedures for the resolution of grievances will normally only be invoked when a matter cannot be resolved by informal means.

Communication and resolution processes should always be based on the parties acting in good faith, exercising good judgement, being honest and open, and focusing on the issue and not the person.

In dealing with a complaint, informally or formally, every reasonable effort shall be made to ensure that natural justice is afforded to all parties. This means, in practical terms:

- 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;
- The right of all parties to be heard and to put their case;
- Investigations into the grievance must be undertaken expeditiously and thoroughly; and
- Only matters that are relevant to the grievance under consideration should be taken into account.

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.

As far as possible and appropriate, confidentiality will be respected and maintained by all parties throughout the resolution process, save where persons are required to be informed on a 'need to know' basis or where statutory or legal requirements demand that matters be reported.

Whilst complaints from an anonymous source will be taken seriously and investigated as far as practically possible, it is very difficult to proceed or 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. Complainants are therefore encouraged to identify themselves.

Where complaints or grievances are made in circumstances where an alleged crime may have been committed, the Police or similar outside agencies will normally be contacted and formally advised of the

complaint or grievance. In some cases (e.g. Mandatory Reporting), there is no discretion and the matter must and will be reported to the relevant authorities.

### 3 Options for the resolution of grievances

Each party to a grievance is entitled to personal and/or professional advice, support or representation. This may involve approaching and confiding in a trusted friend, colleague, or a representative or advisor from a union or other professional organisation.

A person may elect, according to the nature and seriousness of his/her grievance, to deal with that grievance in one or more of the following ways:

- **Personal resolution** – this might involve discussing and resolving the matter directly with the person responsible for the behaviour to see if a misunderstanding has occurred, seeking confidential advice in relation to strategies to deal personally with the grievance or seeking advice in relation to different options, either within the School or other agencies to resolve the grievance;
- **Consulting a Contact Person** who will, in turn, monitor the situation to assess the alleged behaviour and, in consultation with the Complainant, assist in determining an appropriate course of action. The Complainant is always entitled to be informed about what action has been or will be taken;
- **A Contact Person** at the School could include, but is not necessarily limited to, someone such as a Line Manager, Senior Leadership Team or a colleague who is prepared to provide support to the Complainant; and/or
- **Lodging a formal** grievance with a line manager, senior member of Staff. In such instances the Principal will be notified immediately. The Principal will then expeditiously put in place a process, staffed by appropriate and impartial person(s) to investigate the complaint. All formal complaints will be investigated.

The choice of the resolution process lies with the Complainant. As far as possible, Complainants are encouraged to seek resolution through conciliation within the School in the first instance.

### 4 Formal Grievances – General

Where a formal written grievance is lodged, usually with the Principal, the Principal will, either personally or via a suitable and appropriate nominee, gather information relating to the allegations. There will usually also be meetings convened of the parties to discuss the complaint with the person(s) accused, to hear all relevant evidence and submissions. A determination will then be made, on the basis of a thorough investigation, whether or not to uphold the grievance.

If, in the opinion of the Principal, the 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 such follow-up counselling or other actions as the Principal deems appropriate and necessary.

The Complainant and Respondent will, in all instances, be informed of the outcome and action taken.

When a grievance is not or cannot be resolved within the School, the 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.

## 5 Formal Grievances – Relevant Awards and Legislation

This Policy complements and is to be read and applied in conjunction with the Grievance Procedures set out in Clause 3.2 of the Teachers (Non-Government Schools) Award or the Industrial & Employee Relations Act 1994 (SA) or its successor(s).

Specifically, the said Clause 3.2 of the Award provides, inter alia, that:

- The parties agree that it is in the common interest to manage resolution of any conflict by means which neither disrupt nor damage the School's operation; and
- The parties agree that the following procedures will apply in the resolution of any dispute and, pending resolution, that work prior to the dispute or grievance shall continue:
  - The employee will notify in writing the Principal or delegate of the nature of the grievance and the remedy sought;
  - The Principal or delegate must convene a meeting between the aggrieved employee(s) and the Principal or delegate as soon as practicable, and not more than seven days following the notification of the grievance;
  - The employee is entitled to be accompanied at that meeting by a representative of the union or by another Staff member;
  - If the matter is unresolved at the meeting in (ii) above, then a conference may be requested by the employee(s) to involve a union or other delegate to assist the employee and an employee representative where requested, to assist the Principal or delegate. The conference must be convened as soon as practicable and not more than seven days the request;
  - Where no mutually satisfactory resolution of the matter is achieved by the conference referred to above, either party may make application pursuant to the relevant provisions of the Industrial and Employee Relations Act 1994 (SA) or its successor(s) provided such application may be made at any stage of proceedings.

## 6 Referral of a grievance to the Board of Governors

As a general rule, the Chairman of the Board of Governors and members of the School Board are not directly involved in the first instance with the receipt, investigation or resolution of grievances other than grievances arising within the School Board itself.

In instances where a grievance is with the Principal, a person may, if he/she feels the matter cannot otherwise be resolved or feels it is appropriate to do so, lodge a formal complaint with the Chairman of the Board. In turn, and in consultation with the Complainant, the Chair of the Board will expeditiously implement all reasonable steps to have the complaint fully investigated and to facilitate a resolution.

In other exceptional and special circumstances, a member of the School community may make a direct approach to the Chair of the Board to bring his/her attention to a matter of concern, to formally lodge a grievance or refer a grievance where the resolution processes within the School have failed or are otherwise inappropriate. In such instances, the Chairman of the Board will take advice from appropriate persons and make a determination as to how the grievance should thereafter be dealt with.

## 7 Withdrawal of a grievance

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.

## 8 Record keeping

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

## 9 Outcomes

A matter is dealt with successfully if all parties find the outcome(s) acceptable. Should any party not be satisfied with the result, he/she can choose to pursue the matter further.

Each complaint or grievance is to be dealt with on its particular circumstances and merits and any settlements reached through the grievance process will not constitute any binding precedent for future cases.

## 10 Appropriate Confidentiality

The School 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. All persons involved in grievances or complaints should maintain confidentiality unless otherwise required by appropriate circumstances or law, so as to minimize disruption in the School and the risk of a civil suit for defamation.

## 11 Review of Policy

This Policy and procedure will be reviewed every two years or sooner as required.

## Policy Certification

<b>Policy authorised by:</b>	Principal
<b>Responsibility of updating Policy/Procedure:</b>	Deputy Principal/Head of Senior School
<b>Date Ratified:</b>	29/01/2014
<b>Date Reviewed/Revised:</b>	22/04/2022
<b>Date for next Review/Revision:</b>	21/04/2024