



Grievance Policy and Procedure

Lakeside College

Review Date: January 2023
Next Review: January 2026

Introduction

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| Grievance Policy | |
| Created by: | Principal Lakeside College |
| Current version: | 1.12@10.11.23 |
| Applicable for: | All Lakeside permanent and fixed term employees, casuals, independent contractors, volunteers, parents and work experience students |

Definitions

College: Lakeside College

Grievance: A general definition may simply be that a grievance is an unresolved problem.
(Source: University of Edinburgh Staff Administration Manual)

Context

Where an action or decision is considered to be unfair or inappropriate, there is the right to raise a complaint and have it considered seriously - such a complaint is known as a grievance.

Lutheran schools are practicing Christian communities where conflicts are dealt with in a spirit of loving servant-hood. These conflicts are dealt with in relation to the principles of a functioning Christian community. (See Matt 28, 1 Cor 12, Eph 4, Rom 12). For a Christian community to function well, all members must actively work together for the common good.

The functions and gifts of each member will vary but the desire to work for the good of the community is the same. The respect and status of an individual is not determined by his/her particular gifts, or by his/her position in the school. Responsibilities are to be carried out in love and forgiveness so that the community is built up. No one is exempt.

The Christian atmosphere of a school community should be such that all feel safe to express their point of view openly and honestly, and in a spirit of love. Potential conflict should be dealt with and discussed as early as possible, and people should be encouraged to put the best construction on issues. The focus needs to be on the issues, rather than the people's personalities.

The Lutheran Church of Australia *Safe Place Policy* and Lutheran Education Australia *Valuing Safe Communities* program outlines the Policy toward sexual abuse and harassment. In matters of this nature, council members, staff, parents and students are obliged to follow the procedures and guidelines of this policy.

Aims

The aim of a grievance procedure is to produce a solution which is acceptable to the individuals or parties involved. However, not all problems will be capable of a resolution which satisfies those concerned, but the 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 informal and formal components.
(Source: University of Edinburgh Staff Administration Manual)

Implementation

Lakeside College is a Christ-centred community where individuals should feel safe to express their points of view openly, honestly, constructively and in a spirit of love. St Paul's analogy of the church as a human body (1 Cor 12:12-27) serves well as a picture of all members actively working together for the common good.

From time to time concerns regarding educational, behavioural or school environment issues may arise. For this reason Lakeside College has developed a set of procedures to work through unresolved situations, or where an action or decision is considered to be unfair or inappropriate. This is the reality of sin and our inability to live in perfect harmony with one another.

However, through God's grace and forgiveness, and by the guidance of the Holy Spirit, we strive to reconcile differences and resolve all conflict amicably.

To this end we are guided by the Scriptures.

- "If your brother sins against you, go and show him his fault, just between the two of you. If he listens to you, you have won your brother over. But if he will not listen, take one or two others along, so that every matter may be established by the testimony of two or three witnesses." (Matt 18:15, 16)
- "Do not let any unwholesome talk come out of your mouths, but only what is helpful for building others up according to their needs, that it may benefit those who listen." (Eph 4:29)
- "Be kind and compassionate to one another, forgiving each other, just as in Christ, God forgave you." (Eph 4:32)

Within the grievance process the power of prayer should never be underestimated. As a practicing Christian community Lakeside College enlists the Holy Spirit's guidance through each step. Council members, staff, parents or guardians, students and other members of the community are encouraged to follow the procedure outlined below.

Procedure

General Statements

- The grievance procedure provides guidelines for raising an unresolved issue or complaint and having it considered seriously. It is essential, therefore, that before the process begins all parties participating are familiar with the process and with the Christian principles underpinning it.
- It is recognised that individuals in the school community are at different stages in their faith journeys and that this could affect their readiness and/or willingness to engage in prayer throughout the procedural steps.
- Informal resolution of a grievance is encouraged and is always the preferred option. This is reached when the outcome is satisfactory to all. The formal process is set in motion where the informal process reaches an unsatisfactory outcome.
- The grievance procedure may not result in a change to, or reversal of, a decision or action. Sometimes the only achievable outcome may be the enactment of forgiveness. Sometimes it may be an understanding to follow or improve guidelines or procedures in the future.

General Guidelines

- Raising the issue directly, and as soon as possible, with the person concerned is encouraged.

- Communication should be open and honest, focusing on the issue and not the person. This includes listening carefully and respectfully while the other person is talking, and exercising responsibility and mutual respect: respect by staff for parents' special relationships with their children; respect by parents for staff as professionals.
- When an issue is discussed in the student's hearing, it is important that the student understands that you have confidence that the issue will be resolved confidentially at the school level. Criticism of the school or teachers does not support the child's education as it undermines trust and confidence.
- Confidentiality must be maintained through all stages of the process.
- Constructive conflict helps everyone learn, grow and change for the better. Where both parties agree to seek a positive resolution, positive outcomes are likely to result.

Confidentiality

- Grievances should be kept as confidential as possible.
- Support in principle may be sought from the School Council on the basis of the consultative role that it can play.
- However, it should be recognised that the involvement of such bodies or of others such as the Schools Director, Lutheran Education Victoria, NSW and Tasmania [LEVNT] as mediators, can compromise confidentiality.

Documentation

- Appropriate documentation should be kept at all times.
- Any party to a dispute has the right to be accompanied by another person, in a support role, at any meetings convened to discuss resolution of that dispute.
- Accurate records of all disputes and proceedings should be maintained and current copies held by all parties involved (Appendix B).
- It is extremely difficult for the leaders to act on anonymous complaints, although they may be obliged to listen to the complaint as indicative of an issue requiring attention.

Time Frame

- It is the obligation of all parties to deal with a concern as promptly and amicably as possible. In most cases, a reasonable time for resolution might be one month. In some cases where external personnel or factors are involved, resolution might take longer.

1. Grievance Procedure – Parents and Guardians

Good relationships within school communities give children greater opportunities to succeed. It is natural that parents or community members at one time or another may have concerns about what happens at

school. To maintain good relationships, grievances or conflicts should be resolved so that all parties achieve satisfactory results.

The welfare of children in the school is paramount. Open criticism of any parties in a dispute does not support children's education. To this end fair and open communication conducted within the procedures framework outlined here, ensures that the rights and responsibilities of all parties are respected and consensus achieved.

All personal matters, such as concerns regarding student, parent or staff relationships should be realised directly with the school through the class teacher or Head of School in a confidential manner.

Some complaints and conflicts may be determined to be vexatious or malicious in nature. Where the Principal determines after due consideration that this is the case, the complaint may be dismissed and a family's enrolment be called into question.

Defamation is a specific area of law that deals with the loss of reputation or public standing. It is generally not defamatory for an individual to make a complaint or raise a concern in good faith through the proper channels. However, the matter should only be discussed with those who have the responsibility for dealing with it. A claim that defamation has occurred may be defended on the basis that the alleged defamatory statement was made without malice and only to a person with a proper duty to receive such a statement.

Parents and Guardians are reminded that allegations may carry the risk of a claim of defamation especially if confidentiality has not been maintained properly.

1.1 Guidelines for parents, volunteers, contractors.

1.1.1 Parents make an appointment to talk to the classroom teacher/staff member involved

Let him/her know what subject they wish to discuss since this will facilitate the process. (This makes the most productive use of the time available - when the staff member is free to give parents his/her full attention). If parents consider that the issue which they have raised is still unresolved, it is important that they state this to the teacher at the conclusion of the meeting.

- If the issues are not resolved, parents should make an appointment with the relevant Head of School / Line Manager and let him / her know what subject they wish to discuss as this will facilitate the process.

1.1.2 Parent meeting with the Head of School

Results of this meeting may include the following:

- the situation is monitored;
- further discussions with the people involved (e.g. teacher and student);
- outside support for the child or family may be sought.
- if parents are still dissatisfied with the outcome of the meeting, they should write to the Principal again to air their concerns. If the school does not receive further information it is reasonable for the issue to be considered resolved.

1.1.3 Ongoing dissatisfaction

If after the steps outlined in 1.1.1 and 1.1.2 have taken place, and parents are still dissatisfied they should approach the Principal who will try to resolve the situation further. The expectation of the Principal will be that the above steps have been followed.

1.1.4 General principles

It is important that all grievances are kept confidential, and although at times parents may wish to seek support from friends or an advocate, it is very important to do this wisely. When the matter is discussed in the student's hearing, it is important that the student understands that parents have confidence that the issue will be resolved confidentially at the school level. Criticism of the school or teacher does not support the child's education as it undermines trust and confidence. The school can only deal with issues that are raised in the ways outlined above. If staff do not receive information then they assume that all is well.

2. Grievance Procedure - Students (inclusive of work experience)

It is recommended that 'Mapping the Conflict' (see Appendix A) precede the following steps. The following procedure should be followed:

2.1 Guidelines for Students

2.1.1 Talk with the person concerned (student or teacher)

Students should say what the problem is, i.e. say how they feel. They should say what they would like him/her to do about it. If this is too difficult, they are encouraged to take a friend with them OR speak to a trusted adult such as the school pastor, principal or teacher.

2.1.2 Listen

Students should listen to the other's side of the story.

2.1.3 Reflection

Students should think seriously about whether there is any wrong on their side.

2.1.4. Agreement

Students should try to reach an agreement with the other person where they both feel OK about the outcome.

2.2 Further Concerns

If students still have a concern, they should go to someone in authority for assistance.

2.3 Some Helpful Hints for Students

- Don't talk about the person to others – talk directly to the person.
- It is better not to talk while you are angry or in public.
- Remember to pray for the right words to say, for understanding and for the issue to be resolved.

- All students have the right to question the assessment that the teacher has made of their work in assignments and tests. If they are not satisfied that the assessment was correct and accurate, they should:
 - approach the teacher and ask for clarification
 - ask for a reassessment of the work by the teacher
 - ask the teacher to have the teacher in charge of that KLA - or another teacher - reassess the work
 - accept the decision

3. Grievance Procedure - Staff

In any organisation conflict of a personal or professional nature may arise. Procedures to resolve conflict should reflect the Christian ethos of the school and be based on the principles in Matthew 18:15. Staff need at all times to seek to resolve conflict and not contribute to it by gossip. The following guidelines will assist those who have a grievance.

Vexatious and malicious complaints

Some complaints and conflicts may be determined to be vexatious or malicious in nature. Where College Leadership determines after due consideration that this is the case, the complaint should be dismissed and the complainant counselled about his or her action in lodging a complaint. Making a vexatious or malicious complaint may be an act of misconduct in itself. And dealt with in accordance with employee misconduct procedures.

Defamation

Defamation is a specific area of law that deals with the loss of reputation or public standing. It is generally not defamatory for an individual to make a complaint or raise a concern in good faith through the proper channels. However, the matter should only be discussed with those who have the responsibility for dealing with it. A claim that defamation has occurred may be defended on the basis that the alleged defamatory statement was made without malice and only to a person with a proper duty to receive such a statement.

College employees are reminded that allegations may carry the risk of a claim of defamation especially if confidentiality has not been maintained properly.

3.1 Guidelines for Staff

3.1.1 Personal Conflict - Procedure

- Seek God's guidance through prayer.
- Identify and clarify the issue
- Discuss the issue with the person involved, stating the problem and seek a resolution through offering or asking for forgiveness.

- If the problem is not resolved involve a third impartial person, acceptable to both parties.
- If the conflict is unresolved discuss the issue with your Line Manager or School Pastor to establish a professional working relationship.

3.1.2 Professional Conflict - Procedure

- Identify and clarify the area of concern. Be prepared to state the area of concern and offer possible solutions.
- Discuss the matter with the person involved.
- If the problem is not resolved involve a third impartial person, acceptable to both parties. A Subject Leader may be of assistance for example.
- If the conflict is not resolved discuss the matter with your Head of School / Line Manager
- Finally, the matter can be referred to the Principal who will determine further action. Before meeting with the Principal, the Principal must be assured that all other avenues have been exhausted first.
- Should the person raising the conflict not be satisfied with the outcome, or the matter involves the conduct of the Principal, they may contact the College Council Chair

3.2 Special Notes

- **The Role of the Head of School / Line Manager**

As the leader of the relevant Sub-School, the Head of School is responsible for all operations in their area. As such, this extends to managing conflict, complaints and disagreement.

- **The Role of the Principal**

As the Principal does not have intricate knowledge of the operations and actions with each Sub-School, the Principal does not habitually hear complaints unless all other avenues of resolution have been exhausted. The principal would only hear student, staff and parent complaint if all steps have been followed as outlined above or if the relevant Line Manager is away from the school campus and is not returning within a reasonable time frame.

- **The Role of the School Pastor**

Direct involvement of the School Pastor in the grievance process runs the possible risk of compromise of their pastoral work, i.e. as spiritual adviser/counsellor to all parties. Every effort must be made not to put in jeopardy this unique relationship.

- **The Role of School Council Members**

As for the School Pastor, direct involvement of individual School Council Members in the grievance process runs the possible risk of compromise of their position. If School Council Members are approached individually by individuals with a grievance they should refer them to the principal or speak to the Council Chairperson. In some circumstances the Council Chairperson may allocate a role for School Council Members.

The Council may also consider matters where a person considers the Principal has not followed the Grievance Procedure in accordance with the school's principles.

- **Resource People**

Where a school is seeking facilitators for involvement in the grievance process, it is recommended that they look to neighbouring Principals, Pastors, and Senior Staff or to Professional Consultants, Counsellors or the Director and personnel of LEVNT.

4. Grievance Procedure – School Council Members

In principle, any conflict is capable of resolution if the parties involved work through the issues in a rational, logical, and prayerful manner.

Sadly, many conflicts are far from rational and an outside mediator may need to be involved. This raises the question of the Schools Director's LEVNT involvement. While it is appropriate that the Director be aware of the conflict, it is not always appropriate that the Director act as mediator, since to do so may place the Director in a "no win" situation, and jeopardise his/her neutrality. However, the Schools Director should be kept informed of all situations involving conflict where intervention may become necessary. The following guidelines should be followed to restore harmony between Council members and the Principal.

4.1 Guidelines for Council Members

4.1.1 Prayer

Those involved in a conflict come together as God's people in prayer. Prayer, repentance and forgiveness set a basis for further discussion.

4.1.2. Representation

Ensure that the conflict is represented by the appropriate person. It is the responsibility of Christian community leaders to contain issues to the appropriate people, and to see that others understand this.

4.1.3 Role clarity

Clarity as to the precise roles and responsibilities of the people involved must be established.

4.1.4 Mediation

If the conflict remains unresolved, a neutral mediator shall be involved. The mediator, agreeable to all, shall be appointed in consultation with the Schools Director, LEVNT.

5. Findings

Should all avenues of conflict and complaint resolution fail to provide a mutually agreed outcome, it may be necessary for the Line Manager, Head of School, Principal or College Council Chair to make a finding as to the outcome of the conflict or complaint.

Following the investigation, the Line Manager, Head of School, Principal or College Council Chair should determine whether the complaint has substance and make a decision about what action, if any, should be taken.

this assessment should take into consideration:

- Whether the weight and reliability of the evidence demonstrates that the complaint has or has not been substantiated
- The circumstances and context of the complaint
- Whether evidence was presented by the parties and witnesses in a credible and consistent manner
- The absence of evidence where it should logically exist.

The investigation must be sufficiently thorough to allow the principal/manager to arrive at a reasonable state of satisfaction that, on the balance of probabilities, the complaint is or is not substantiated. It may not therefore be necessary to interview every witness to an incident to make a finding about the relevant facts.

Where the evidence appears to demonstrate that the allegations have no substance, the principal/manager may consider providing the complainant with the preliminary findings and seeking a further submission from them. The general principles of natural justice should guide the principal/manager in determining whether this step is warranted in all the circumstances.

The standard of proof is a civil standard of the balance of probabilities – that, on the balance of probabilities, it is more likely than not, that the alleged conduct occurred. The principal, as the investigator, does not have to be satisfied beyond reasonable doubt (which is the criminal burden of proof).

Where there are no independent witnesses to provide evidence, the principal/manager may make a decision based on the credibility of the parties involved. Each case should be assessed on its own particular circumstances. 'Hearsay' evidence (that is, evidence provided by a person who did not witness the event or matter in question) may be taken into account, but may be given less weight.

Evaluation

This policy will be reviewed as part of the college's three-year review cycle.

Appendix A

Mapping The Conflict

MY DEFINITION OF THE PROBLEM:

What needs of mine are involved?

What major values do you feel are involved here (e.g. strongly held beliefs I am prepared to act on: co-operation, human rights, ideological or cultural beliefs)?

What are my objectives and priorities?

What fears of mine need to be overcome?

What life situation limits, or personal limitations, are relevant (the boundaries limitations, my situation imposes on me)?

THEIR DEFINITION OF THE PROBLEM:

What needs of theirs are involved?

What major values do they feel are involved here (e.g. strongly held beliefs they are prepared to act on: cooperation, human rights, ideological or cultural beliefs)?




What are their objectives and priorities?






What fears of theirs need to be overcome?

What life situation limits, or personal limitations, are relevant (the boundaries, limitations, my situation imposes on me)?

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| MEETING NOTES PROFORMA | |
| Date: | |
| Persons Attending: | |
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| Grievance Issue Details: | |
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| Action Plan: Agreed Outcomes | Timeframe |
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| Prepared by: |

Source: Brisbane Montessori School

Lakeside College Community Grievance Procedures -

The following procedures are designed to assist in the resolution of student, parent and staff grievances. When you make a time to speak with someone about a grievance, it is a good idea to inform them in advance of the issue so that they are better able to provide information at the time of your meeting.

If at any stage of these procedures you would like to have another person present, such as the School Pastor, Chaplain or Wellbeing Leader, or other support person, please arrange this when you negotiate your meeting time.

Staff grievance procedures are subject to industrial agreements, and are printed separately for staff and are available online on Simon.

There are some grievances of a very serious nature, where a parent or student may need to approach the Principal but most grievances in a school can be resolved before reaching that step.

Principles of our policy:

- Our shared community Christian faith and values guide all conflict resolution procedures
- As such, Peacemakers and Restorative Practices are key tools the College uses in such situations
- Before speaking with a third party, we endeavour at all times to speak first with the person with whom we have a complaint or conflict
- Meetings to discuss grievances will be suspended if any person(s) behave in an insulting or offensive manner
- When agreed outcomes have been made, reasonable time to action these should be given

| Students | Parents | School staff |
|---|--|--|
| Step 1: Think about the grievance carefully. The decision is yours and sometimes you may decide to do nothing. Doing Something | 1. Make a time to speak with the teacher or staff member involved. You can find a staff directory on the Parent Portal which will provide contact details. | 1. Arrange a time to speak to the person concerned. 2. If the grievance is not resolved, seek the support of an agreed neutral third person who may support |

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| <p>Step 2: Speak to the person and make a time to discuss the problem.</p> <ol style="list-style-type: none"> 1. Tell the other person how you feel. 2. Ask them to help change the problem. <p>Step 3: Talk it over with someone you trust, e.g.:</p> <ul style="list-style-type: none"> your friends SLC representatives your parents your Home Group teacher or another teacher counsellor School Team Leader another adult <p>Make a plan with your helpers to address your concerns</p> | <ol style="list-style-type: none"> 2. Discuss your grievance and attempt to resolve the issue. If you feel that the issue has not been satisfactorily resolved, inform the teacher that you will be speaking with someone else. 3. Make an appointment to speak with the relevant Head of School Discuss your grievance and attempt to resolve the issue. If you feel that your issue has not been satisfactorily resolved, inform the person you will be speaking with someone else. 4. Make an appointment to speak with the Principal. If you feel that the issue has still not been satisfactorily resolved, inform the Principal that you will be contacting the College Council Chair | <p>mediation and resolution using the Peacemakers model.</p> <ol style="list-style-type: none"> 3. Should this fail to bring resolution, speak with your Head of School or Line Manager and ask for their assistance. 4. Should this fail to bring resolution, speak with the College Principal. Should the conflict exist between the Line Manager and a member of their team, the Principal will expect that steps 1 and 2 have occurred before the matter is brought to them. 5. Should the matter involve the College Principal, please the contact College Chair. |
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