

Policy and Procedure Manual

Grievance

1 Rationale

St Leonard's College is a community where the individual is respected, and relationships are valued. Staff and students are expected to behave in a manner that is consistent with College values. A member of the St Leonard's College community is entitled to make a complaint, whether informal or formal, as a result of experiencing behaviour by College staff, or, lack of satisfaction with College process that is not in accordance with the College's policies, values and expectations of conduct and Government regulations.

It is the responsibility of the Principal to ensure that the College conducts proper and transparent grievance processes to investigate and resolve any such complaints. Where appropriate, the College will utilise a RestorativePractice approach to the resolution of disputes.

2 Aim

To make clear to the College community their obligations and rights under a grievance policy, and to establish procedures for handling complaints and grievances.

To ensure that complaints and grievances are dealt with consistently, fairly and promptly.

3 Scope

This policy applies to all members of the St Leonard's College community (students, staff and parents).

4 Legislation

Equal Opportunity Act 2010 (VIC)

Fair Work Act 2009 (Commonwealth)

5 Definitions

Victimisation

Victimisation is treating someone unfairly because that person, or someone with whom they associate, has made, or intends to make, a complaint under this policy. It is unlawful to victimise or penalise a person for making a complaint in good faith.

Vexatious Complaints

Inaccurate, misleading, malicious or false accusations that are not substantiated or do not constitute reasonable grounds for complaint.

Grievance

A complaint or concern where the individual wishes to obtain an action or response from the College.

Mediation

A process which assists the complainant(s) and respondent(s) to reach a solution that is satisfactory to all parties.

Restorative Practice

An approach to restoring and repairing relationships where harm has been done by one party towards another.

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6 References

- Admissions Policy
- Anti-Bullying (Student) Policy
- Anti-Bullying (Staff) Policy
- Anti-Harassment (Student) Policy
- Anti-Harassment (Staff) Policy
- Behaviour Policy
- Equal Employment Opportunities Policy
- Pastoral Care and Student Wellbeing Policy
- Staff Student Boundaries Policy
- *St Leonard's College Agreement 2020*
- What to do if you feel you have been Discriminated Against, Harassed or Bullied
- Whistle-blower Policy

7 General Principles

7.1 Rights

All members of the College community (students, parents and staff) are entitled to make a complaint, either informally or formally, in order to ensure a safe and harmonious learning environment is maintained. This includes Full Fee-Paying Overseas Students, who may nominate a representative if needed to address complaints.

7.2 Response time

All complaints will be responded to in a timely manner. They will be acknowledged in writing within one working day and a grievance process will commence within five working days of their receipt.

This time frame may not apply during holiday periods.

7.3 Confidentiality

The process of investigation will remain confidential and only involve person/s directly involved or witnesses of any incident/s in question.

7.4 Records

The outcomes of the grievance process will be provided as a written statement to all parties involved and will be kept and stored in an appropriate and secure manner.

7.5 Fairness

Investigations will be made on the basis of presumed innocence and will require defined evidence to substantiate any complaints.

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7.6 Support

The complainant has the right to be represented or supported by another person of their choice. The same right applies to a respondent.

7.7 Good Faith

Complaints made in good faith will be treated respectfully and the College will endeavour to support all parties involved. Victimisation will not be tolerated. Vexatious complaints, as determined by the Principal, will be dismissed or viewed as misconduct.

Complaints made against the Principal will be addressed by the College Chair using the same process as a complaint against any other employee of the College.

8 Process

- a) Members of the College community are encouraged to raise complaints, in the first instance, informally with the staff member closest to the issue of concern. This can be via College email or telephone or in person after making a mutually agreed meeting time. If needed it may be possible to resolve the complaint by discussion, mediation or the instigation of a restorative process, facilitated by College personnel. Heads' of Faculty, Heads' and Deputy Heads' of School, Team Leaders, and members of the College Executive may be consulted for advice or to support this process.
- b) A student, parent or staff member (or their nominated representative) is entitled to make a formal complaint, either if no satisfactory resolution was obtained after an informal complaint, or, if the matter is of sufficient seriousness for a formal complaint to be the first step. The complaint will be lodged in writing with the Principal via the following email address:

The Principal: ConfidentialDisclosures@stleonards.vic.edu.au;

If the complaint is about the Principal it will be lodged with the Chair of College Council, in writing to the College's postal address or by making a report via the following email address:

The Chair, College Council: collegechair@stleonards.vic.edu.au; or

- c) Any formal complaint (other than about the actions or decisions of the Principal) will result in an investigation and will be carried out under the direction of the Principal, or will be convened by a delegate of the Principal. Any investigation will be conducted in a fair and impartial manner. In the case of a complaint about the Principal, the College Chair will apply the same process.
- d) If a formal complaint has been lodged against a person, that person will be informed of the nature and content of the complaint and will have the right to respond. At the conclusion of any investigation, the person will have access to all information regarding the complaint and findings of the investigation.
- e) A mediation or restorative process may be instigated to assist in the resolution of a formal complaint if considered appropriate. This may be conducted by an external or internal facilitator, to be determined by the Principal (or College Chair if the matter concerns the Principal) in consultation with the complainant.

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- f) During any grievance process, final sanctions will not be determined until the review has been completed. However, the Principal retains the right to suspend a student or staff member should the matter under review be of enough severity and/or involve safety concerns. The College Chair retains the right to suspend the Principal should the matter be deemed, by the College Council, a serious complaint.
- g) If complaints are validated, appropriate action will be taken by the College with reference to the relevant College policies.
- h) Where the grievance relates to a staff performance matter, principles of due process may apply as specified in the *St Leonard's College Agreement 2020*, or any subsequent *Agreements*.
- i) Should a parent, staff or student not be satisfied with the grievance process conducted by the Principal, or the application of College policies by the Principal, they are entitled to seek review by the Chair of College Council. The Chair will review the processes undertaken and policies applied with whatever parties are deemed appropriate to ensure that these policies and procedures have been appropriately applied. Should any of these requirements not be evident, the Chair may, at their sole discretion, investigate the facts and require the Principal to revisit the case.
- j) If the matter remains unresolved, then the individuals concerned or the College Council may refer the matter to the relevant body, such as Victorian Equal Opportunity and Human Rights Commission, Victorian Registration and Qualifications Authority (VRQA), Fair Work Commission or Victorian Institute of Teaching for advice, representation or conciliation.

9 Communication of this Policy

- The Grievance Policy is included in the induction material for new staff
- An annual notice is placed in the College Newsletter advising community of the location of College policies
- A reference to the Grievance policy can be found in the following policies:
 - Anti-Bullying (Staff)
 - Anti-Bullying (Student)
 - Anti-Harassment (Staff)
 - Anti-Harassment (Student)
 - Equal Employment Opportunities
 - Disability Discrimination
 - Behaviour
- A reference to the Grievance Policy is included in the Transition Website policy information for new parents
- A link to Intranet (STL Link) policies, including the Grievance Policy, is included in the online College Information Handbook for Families
- The Grievance Policy is available on the Intranet (STL Link) for parents

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- Clause 7.1 is included in the student diary with a reference to where the full Grievance policy may be accessed
- A reference to the Grievance Policy is included in the College Terms of Business.

10 Prepared by

Principal and Director of Pastoral Care

11 Approved by

College Council

Jen Neate, Chair



Signature

24 June 2021

Date

12 Reason for Revision

Interim review of policy.

All policies at St Leonard's College are subject to a three (3) year review cycle (unless otherwise stated) irrespective of any amendments made during this period.

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