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**GRIEVANCE**

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**Rationale**

St Peters Lutheran School is a practising Christian community where conflicts are dealt with in a spirit of love and compassion. For the School community to function well, all members need to actively work together for the common good. The functions and gifts of each member may vary, but the desire to work for the good of the community is common. The respect and status of an individual is not determined by their particular gifts, or by their position in the school. Responsibilities are to be carried out in love and forgiveness so that the School community is built up.

The Christian atmosphere of the 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 is to be dealt with and discussed as early as possible, and people encouraged to put the best construction on things. The focus needs to be on the issues, rather than people's personalities.

The School is actively committed to protecting the rights of both students and employees to achieve their full potential in an environment which values and affirms diversity and is free from discrimination, bullying, harassment, victimisation and vilification. The School will take all reasonable steps to ensure that employees and students will be treated fairly and with dignity and respect whilst working or studying at the School.

**Scope:**

This policy applies to all members of the school community including staff, students, parents and other external stakeholders.

**Responsibility:**

The Principal has overall responsibility for this policy.

**Definitions:**

**Grievance:** A general definition is that a grievance is an unresolved problem. Where an action or decision is considered to be unfair or inappropriate, there is the right to raise a complaint and have that complaint considered seriously. Such a complaint is known as a grievance.

Manager generally refers to a member of the leadership team with responsibility for a team of staff, including teaching, non-teaching, casual, and volunteer and contractors.

Supervisor can refer to the teacher of a class or a staff member responsible for a small workgroup or a program.

**Workplace bullying:** This occurs where an individual or group of individuals repeatedly behaves unreasonably towards an employee or group of employees at work, and that behaviour creates a risk to health and safety.

- "Repeated behaviour" refers to the persistent nature of the behaviour and can range in behaviours over time.
- "Unreasonable behaviour" is behaviour that a reasonable person, having regard to the circumstances, may see as unreasonable. This may include, but is not limited to, behaviour that is victimising, humiliating, intimidating or threatening.
- A "risk to health and safety" means the possibility of danger to health and safety, and is not confined to actual danger to health and safety.

Workplace bullying can be demonstrated by indirect means, such as subtle intimidation or by direct, more obvious aggressive tactics. For the behaviour to constitute workplace bullying it must be repetitive behaviour, meaning that it may occur in different ways over a period of time. It can occur between people in any direction within a workplace, for example laterally (between co-workers); upwards (an employee

harassing a manager or a student harassing a teacher) or downwards (a supervisor/teacher harassing an employee or student).

**Policy:**

- St Peters Lutheran School is a Christ-centred community where individuals should feel safe to express their points of view openly, honestly and constructively and in a spirit of love.
- The School values the views of all of its clients and stakeholders. All feedback is welcome and openness and honesty is valued.
- The School is committed to resolving any difficulties clients have with School procedures, decisions, students and staff.
- Our intent is that any grievances are managed fairly, efficiently and effectively. All parties involved in a complaint or appeal will be expected to maintain confidentiality and respect for all individuals who may be involved in the process in any way.
- All members of the School community, including students, staff, parents and other stakeholders are to be informed of the process, and this information is to be available from a number of sources. Any person wishing to make a complaint against the School shall have access to the complaints procedure.
- Confrontation should be avoided and every effort will be made to reach a conciliatory and satisfactory agreement for all parties concerned.
- The School will have procedures in place to ensure that grievances are effectively managed and their resolution clearly demonstrated.
- A register will be kept which documents all formal grievances and their resolution. Appropriate records of all grievances will be kept for at least 5 (five) years from the date entered into the register. All such records will be treated as confidential. Parties to the grievance will be allowed appropriate access as per privacy legislation.
- Our policy is to identify the cause of the grievance and take any corrective action necessary to prevent their recurrence. Any substantiated complaints will be reviewed as part of the continuous improvement procedure.
- The complaints and appeals policy, protocols and procedures is to be part of the continuous improvement schedule.
- A copy of the School Grievance Policy and associated protocols and procedures will be available on the School's website [www.spls.vic.edu.au](http://www.spls.vic.edu.au)
- The aim of the grievance protocol and procedures is to produce a solution which is acceptable to the individuals or parties involved. Not all problems, however, will be capable of a resolution which satisfies all concerned. The grievance procedure will ensure that the problem is addressed and that a clear response is provided at each stage of the process. The protocols involve both informal and formal components.

**Protocols:****1. General Statements**

1.1 The grievance protocols and procedures have been developed with the objective of preventing discrimination, bullying and harassment from occurring, and for providing a mechanism for resolving discrimination, bullying and harassment complaints when they occur.

1.2 The emphasis is on resolving complaints through a process which encourages informal resolution, where possible and that is conducted in an expeditious and confidential manner, with access to formal mechanisms for resolving complaints, if required.

1.3 This 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.

1.4 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.

1.5 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.

1.6 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.

## 2. Role of managers and supervisors

2.1 All managers and supervisors have an obligation and responsibility to promote a workplace free of discrimination, bullying, harassment and intimidation whether this is between supervisors and employees or between employees or between students and employees. This includes ensuring that a culture of unacceptable behaviour is not allowed to develop.

2.2 Employees should be given clear guidance about what is acceptable and what is not acceptable workplace behaviour.

2.3 Students should be given clear guidance about what is acceptable and what is not acceptable behaviour whilst at school.

2.4 All complaints will be managed in an encouraging environment without any victimisation of those involved in the complaint or following the complaint.

2.5 The manger / supervisor must:

2.5.1 Inform all employees of the actions they can take if they feel they are being harassed;

2.5.2 Address and resolve any informal complaint(s);

2.5.3 Inform those who experience discrimination and harassment of their rights and provide them with the relevant complaint resolution process;

2.5.4 Ensure that all employees are sufficiently informed prior to an investigation in the workplace, whilst protecting confidentiality;

2.5.5 Ensure that people who make a complaint are not victimised for doing so;

2.5.6 Ensure that the policies and procedures in relation to the making of a complaint or resolution are followed;

2.5.7 Inform all employees and students that discrimination, harassment, victimisation and vilification are disciplinary offences and that if claims are substantiated, disciplinary procedures may be invoked;

2.5.8 Provide a room where confidential discussions can take place;

2.5.9 Ensure that the workplace is supportive to an employee on the completion of any investigation;

2.5.10 ensure that the complainant not be made to feel that they should take certain action, or no action because of their responsibility to employees.

2.6 Where the complaint relates to the employee's immediate manager or supervisor, the employee may instead inform the Principal if the employee feels unable to approach their immediate manager or supervisor.

## 3. General Guidelines

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

3.2 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, exercising responsibility and mutual respect (respect by staff for parents' special relationships with their children; respect by parents for staff as professionals).

3.3 When an issue is discussed in the student's hearing, it is important that the student understands that their parents 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.

3.4 Confidentiality is to be maintained throughout all stages of the process.

3.5 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.

## 4. Confidentiality

4.1 Grievances should be kept as confidential as possible.

4.2 Support may be sought from the Principal, pastor, student wellbeing co-ordinator or other appropriate people.

## 5. Documentation

5.1 Before disputes are referred to LEVNT or persons outside the School, the concerns should be documented and covered by a letter which confirms that each of the steps outlined in this set of procedures have been followed.

5.2 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.

5.3 Accurate records of all disputes and proceedings should be maintained and current copies held by all parties involved.

5.4 It is extremely difficult for the Principal (or the School Council Chair should the complaint be about the Principal) to act on anonymous complaints, although they may regard the complaint as indicative of an issue requiring attention.

#### 6. Complaint Resolution

6.1 Normally in resolving complaints of harassment and discrimination the School applies a three stage process. The emphasis of this process is to seek resolution as soon as possible with resolution occurring at the lowest possible level. The three stages are as follows: • Stage 1: Initial Action • Stage 2: Further Advice and Assistance • Stage 3: Investigation

#### 7. Time Frame

7.1 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 are involved, resolution may take longer.

#### 8. Use of internal parties

8.1 The role of the Pastor and/or Student Wellbeing Co-ordinator: Direct involvement of the pastor and/or student wellbeing co-ordinator in the grievance process runs the possible risk of compromise of their pastoral work ie as spiritual adviser/counsellor to all parties. Every effort must be made not to put in jeopardy this unique relationship. The pastor and/or student wellbeing coordinator is to continue to provide support throughout the grievance process.

8.2 The role of School Council members: Direct involvement of individual council members in the grievance process runs the possible risk of compromise of their position. If council members are approached individually by individuals with a grievance, they are to be referred to the Principal or the council chair. 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.

#### 9. Use of external authorities

9.1 Complaints against St Peters Lutheran School may be raised with the Director of LEVNT. Normally, the Director will not accept a complaint until the College grievance procedures have been completed.

9.2 Where the School seeks external facilitators for involvement in the grievance process, it is recommended that contact be made with pastors, professional consultants, counsellors, the Director and the personnel of LEVNT.

9.3 It should be recognised, however, that the involvement of such people, or of others such as the Director or staff of LEVNT as mediators, can compromise confidentiality. 9.4 If the complainant is dissatisfied with the outcome of the grievance procedures, the Executive Director, Lutheran Education Australia may be asked to review the College and LEVNT procedures.

#### 10. Parents and carers

10.1 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.

10.2 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 framework outlined here, ensures that the rights and responsibilities of all parties are respected and consensus achieved.

10.3 All personal matters, such as concerns regarding student, parent or staff relationships are to be directed to the College through the class teacher or Principal in a confidential manner.

10.4 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.

### **Procedure – Parents & Caregivers**

The following guidelines are to assist parents should they have a concern.

1. Parents make an appointment to talk with the classroom teacher

1.1 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 teacher 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.

1.2 If the issues are not resolved, parents are to make an appointment with the Principal and let him/her know what subject they wish to discuss as this will facilitate the process.

## 2. Parent meeting with the Principal

2.1 Results of this meeting may include the following: a. Formal internal investigation of the issue b. Sanctions applied c. outside support for the child or family may be sought d. Restorative conference and mediation may be conducted

2.2 If the School does not receive further communication it is reasonable for the issue to be considered resolved.

## 3. Ongoing dissatisfaction

3.1 If after the steps outlined in 1 and 2 have taken place, parents are still dissatisfied with the internal investigation by the Principal, they can approach the Chair of School Council or the Director of LEVNT who will determine if an external investigation is warranted. The expectation of the Chair of School Council and LEVNT will be that the above steps have been followed.

### **Procedure – Students**

It is recommended that 'Mapping the Conflict' process precede the following steps. The following procedure should be followed:

#### 1. Talk with the person concerned (student or teacher).

1.1 Students are to define what the problem is ie explain what has happened and say how they feel.

1.2 They should say what they would like him/her to do about it.

1.3 If this is too difficult, they are encouraged to take a friend with them, or speak to a trusted adult such as the pastor, student wellbeing co-ordinator, Principal or teacher.

#### 2. Listen Students are to listen to the other's side of the story.

3. Reflection Students are to think seriously about whether there is any wrong on their side.

4. Agreement Students are to try to reach an agreement with the other person where they both feel comfortable about the outcome.

5. Further Concerns If students still have a concern, they are to go to someone in authority for assistance.

#### 6. Some Helpful Hints for Students

6.1 Don't talk about the person to others – talk directly to the person.

6.2 It is better not to talk while you are angry or in public.

6.3 Remember to pray for the right words to say, for understanding and for the issue to be resolved.

### **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. Unfortunately some conflicts are far from rational and an outside mediator may need to be involved. While it is appropriate the LEVNT Director be aware of the conflict, it is not always appropriate for the Director to act as mediator, since to do so may jeopardize his/her neutrality. However, the LEVNT Director is to be kept informed of all situations involving conflict where intervention may become necessary. The following guidelines are to be followed to restore harmony between School Council members and the Principal.

- Prayer Those involved in a conflict come together as God's people in prayer. Prayer, repentance and forgiveness set a basis for further discussion.
- Representation Ensure that the conflict is represented by the appropriate people. It is the responsibility of Christian community leaders to contain issues to the appropriate people and to see that others understand this.
- Role clarity as to the precise roles and responsibilities of the people involved must be established.
- Mediation If the conflict remains unresolved, a neutral mediator shall be involved. The mediator agreeable to all shall be appointed in consultation with the Lutheran Schools Director (LEVNT).

### **Procedure – School 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. 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.

#### 1. Personal Conflict

1.1 Seek God's guidance through prayer.

1.2 Identify and clarify the issue, possibly discuss with another person.

1.3 Discuss the issue with the person involved, stating the problem and seek a resolution through offering or asking for forgiveness.

1.4 If the problem is unresolved, involve a third impartial person, acceptable to both parties.

1.5 If the conflict is unresolved, discuss with the Principal or pastor to establish a professional working relationship.

1.6 Affirm resolution through offering or asking for forgiveness.

#### 2. Professional Conflict

2.1 Identify and clarify the area of concern.

2.2 Discuss with a member of the executive leadership team.

2.3 Place the matter on the agenda of the appropriate staff meeting.

2.4 Be prepared to state the area of concern and offer possible solutions.

2.5 If the conflict is not resolved, discuss the matter with the Principal.

#### 3. Workplace harassment or bullying Stage 1 - Initial Action

3.1 If an individual feels they are being harassed at work, there are a number of things that can be done to stop the harassment. It is up to the individual what they choose to do.

3.2 Individuals can talk to, or write to, the harasser, explain that their behaviour is unacceptable, ask them to stop and/or quote the workplace harassment definition; or talk to a colleague, a union representative, the Pastor, their supervisor or another member of the leadership team.

3.3 It is important for employees to know that they have no legal requirement to tell the harasser their behaviour is unwelcome before assistance is gained.

#### Stage 2 - Further Advice and Assistance

3.4 An individual can make an informal complaint to their supervisor.

3.5 Managers and supervisors must attempt to resolve the informal complaint by listening and discussing possible options and outcomes. These discussions must occur in confidence and managers and supervisors can seek advice from the Principal or the designated human resources manager.

3.6 The complainant can request that managers and supervisors speak to the respondent to see if the situation can be resolved without taking any formal action.

3.7 The complainant can also request that the matter be dealt with by a neutral third party or mediator. If both parties agree to mediation then the manager and supervisor must take appropriate steps to ensure that the mediation occurs.

3.8 Throughout this stage a complainant can be supported by a workplace colleague or nominated representative, if desired. The respondent can also be supported by a workplace colleague or nominated representative, if requested.

#### Stage 3 – Investigation

3.9 Where the complainant believes that the informal complaint has not been resolved, and wishes to pursue the matter further, the complaint must be lodged in writing with the Principal. There is an expectation that individuals will have tried to resolve the complaint informally in the first instance, unless they can show that it would be inappropriate.

3.10 The written complaint must contain sufficient details to establish that the complaint has substance and is not frivolous or vexatious and should specify what steps have already been taken to resolve the matter informally.

3.11 All complaints will be dealt with on merit, however if any claim is found to be frivolous or vexatious the School may take disciplinary action against the complainant.

3.12 On receipt of the written complaint(s), the Principal may refer the matter back to the manager or supervisor as outlined in Stage 2 where the informal process has not occurred. Where it is established that the complaint is properly founded, the Principal will initiate an investigation.

3.13 The respondent will be given the opportunity to respond to the allegations within 10 working days, where practicable.

3.14 The Principal will advise both the complainant and the respondent of their decision and any action to be taken.

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3.15 Throughout this stage a complainant can be supported by a workplace colleague or nominated representative, if desired. The respondent can also be supported by a workplace colleague or nominated representative, if requested.

#### Stage 4 - Disciplinary Action

3.16 Where workplace harassment is found to have occurred, this may be considered as misconduct or serious misconduct and disciplinary action may be commenced against the respondent.

3.17 Any disciplinary procedures will be as per the LEVNT Enterprise Agreement 2014.

Approved by School Council August 2016

Implemented: August 2016

To be reviewed: No later than August 2019