



Grievance, Complaint and Dispute Resolution Policy

Grievance Definition

A grievance is an expression of dissatisfaction made to Carey, related to the conduct of school activities, or the resolution process itself, where a response or resolution 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, complaints 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 Safety Policy and Reporting Child Abuse procedure.

Purpose

Carey is a school community where individuals should feel free to express their points of view openly, honestly and consistently. This policy and procedures establishes the approach that the School will adopt to address grievances.

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

Scope

This Policy provides the framework by which grievances from external stakeholders, students, parents or other members of the School Community regarding the conduct of employees, students or contractors at Carey will be dealt with.

NB: This Policy does not apply to matters relating to the safety of a child. If you have a concern about the safety of a child, please refer to the Child Safety Policy and Reporting Child Abuse Procedure.

Policy Statement

The School shall maintain a fair process to resolve grievances brought forward by members of the Carey community. In doing so, the School seeks to achieve and maintain a setting that encourages a productive and harmonious school environment.

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

Where possible, grievances shall be dealt with locally and informally.

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Grievances reported (whether formally or informally) to a member of staff shall 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 School shall use this policy where appropriate, to seek to resolve grievances which fall within the School'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 Grievance, Complaint and Dispute Resolution Policy for Staff applies to instances whereby an employee wishes express a grievance about another employee

The Principal will, following consultation with the Director of Human Resources , Business Director or Deputy Principal as appropriate, establish a process and assign a pool of persons within the School 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 staff for parents' special relationship with their children and respect by parents for staff as professionals).

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 School level. Criticisms of the School do not support the child's education as they undermine trust and confidence.

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.

If the grievance relates to the conduct of the Principal, the matter shall be referred to and handled by the Board Chair.

Confidentiality/Anonymity

Request for a matter to be treated in confidence shall be respected subject to mandatory, legal or school policy reporting requirements. It should be explained to parties who request not to be identified that such a request has the potential to restrict the scope and effectiveness of the follow up of the material(s).

Staff, students and parents, themselves or on behalf of their child should put their name to allegations whenever possible - concerns with no attributable source are much less powerful. Nonetheless allegations made by known persons who want their identity secret shall be considered under this policy. In relation to determining whether such allegations will be taken forward, the School shall take the following factors into account:

- The seriousness of the issue raised;
- The credibility of the concern;

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- The likelihood of confirming the allegation from attributable sources, and obtaining information provided.

Grievance Resolution Process

Local Resolution

- Raising the issue directly and as soon as possible with the person concerned is encouraged. Informal resolution of a grievance is encouraged and is always the preferred option and is reached when the outcome is satisfactory to all. It will usually involve those directly concerned such as the classroom teacher, parent and the student.

Parent Grievances relating to Curriculum

- Junior School Curriculum complaints/concerns shall be directed initially to the classroom teacher who may choose to refer the matter to the Deputy Head of the School.
- Middle and Senior School Curriculum complaints/concerns would be directed to the relevant teacher. They may choose to refer the matter to the Head of Learning, Head of IB, Head of VCE or relevant Deputy Head of the School.

Parent Grievances relating to student discipline/welfare concerns

- Junior School discipline/welfare concerns shall be directed initially to the classroom teacher who may choose to refer the matter to the Deputy Head of the School.
- Middle and Senior School discipline/welfare concerns shall be directed to the relevant Mentor or Head of House. They may choose to refer the matter to relevant Deputy Head of the School, School Counsellor or Chaplain.

Parent Grievances relating to Staff Performance Matters.

- Any matter relating to an issue of concern with a staff member's performance shall be made in writing to the relevant school section Deputy Head. If deemed serious, the Deputy Head shall liaise with the School Section Head and/or Director of Human Resources. The issue of concern will be discussed with the relevant staff member and a response sought. The Deputy Head will respond to the person making the complaint, explaining the substantive nature of the complaint and the action that the School is taking,

Grievances relating to other Matters.

- Any matter shall be taken up with the relevant member of staff e.g. Coach, director, event organiser, staff member in charge etc. If deemed serious or not resolved, the matter can be discussed with the appropriate Line Manager e.g. Staff member in charge of the activity, Head of Performing Arts, Head of Sport, Deputy Head of School Section, Director of Community Relations etc.

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Grievance relating to School Finances or Physical Facilities

- Any matter shall be raised with the Business Director, Finance Manager or Property Manager
- All reasonable attempts to resolve the matter shall be made as soon as practicable and where the matter is resolved, an appropriate written record of the agreement will be kept.

Formal Resolution

If informal action does not resolve the issue, or the matter is considered to be serious, the matter shall be dealt with formally.

A decision to explore an issue formally does not preclude the School reverting to informal resolution processes at any time if appropriate.

Initial Investigation

1. The complainant shall outline the grievance in writing to the relevant member of the School Management Team (SMT), including all the relevant information and the attempts to resolve the matter informally and why local resolution was not achieved. The relevant SMT is based on organisational responsibility on a day to day basis. Refer responsibilities outlined in informal resolution. The SMT member shall investigate the matter to establish the facts. It should be made clear to the individuals involved that it is not a disciplinary meeting.
2. Having established the facts, the member of the SMT in consultation with the Deputy Principal or Principal, shall determine whether the grievance:
 - a. will be dismissed;
 - b. is to be handled informally; or
 - c. is to be handled formally; or
 - d. will be referred to an external consultant or dispute resolution expert.
3. In certain serious cases and solely at the discretion of the Principal or the Director of Human Resources or Business Director as appropriate, for example in cases involving gross misconduct, where relationships have broken down or there are risks to the School's property or individuals, the School may suspend the relevant person(s) on full pay, whilst an investigation is conducted. Such a suspension will only be imposed after careful consideration. The individual will also be made aware that the suspension is not considered a disciplinary action

Grievances about any school section Deputy Head must be made in writing to the relevant school section Head.

Grievances about any member of the School Management Team must be made in writing to the Principal.

Grievances about the Principal must be made in writing to the Chair of the Board.

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Formal Resolution

- Once it has been decided that the most appropriate way to address the grievance is through a formal process, the Member of SMT in consultation with the Principal, Deputy Principal, Director of Human Resources or Business Director as appropriate, should 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 School should remind the complainant of the confidentiality of the process and issues.
- The member of the SMT, in consultation with the Deputy Principal, Director of Human Resources or Business Director as appropriate, shall write to the individual named by the complainant (the respondent), advising them of the complaint, 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 School may allow a delay of at least 24 hours to allow the employee 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 School 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 School should remind the respondent of the confidentiality of the process and issues, the availability of support through the Employee Assistance Program and any temporary workplace arrangements that have been suggested.
- Following the meeting the School shall 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 SMT Member in consultation with the Principal, Deputy Principal or Director of Human Resources or Business Director as appropriate, shall determine an appropriate outcome. The outcome

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(regardless of its nature) is to be communicated to the respondent in person and in writing.

- 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 Principal, Deputy Principal, Director of Human Resources or Business Director as appropriate, indicate that the misconduct, or its continuance, is sufficiently serious, they may decide to implement disciplinary action.

Appeal Process

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

- Prior to making an application to the Principal for a decision to be reviewed, the individual shall discuss the matter initially with the relevant member of SMT.
- Requests for the Principal to review a decision shall be in writing and briefly set out reasons for the request and the outcome sought.

The Principal 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 (1) 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 accounts 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 Principal will advise the complainant of the alternative procedure.

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- Upon receipt of an application for review, the Principal will determine the most appropriate way to review the decision in accordance with the principles outlined above.
The Principal may, dependent on circumstances, discuss the matter with the Chair of the School Board.

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

- Confirming the action;
- Undertaking further investigation of any new information made available; or
- Varying the action; or
- Setting the action aside and substituting a new action.
- Dismiss the grievance as unsubstantiated

Related policies & procedures:

- Discrimination & Harassment policy
- Staff Code of Conduct
- Financial Code of Conduct
- Carey Grievance, Complaint & Dispute Resolution Policy for Staff
- Whistle-blower Policy

Policy approved by the Board June 2017

This policy may be varied by Carey from time to time, in its absolute discretion.

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