



Grievance and Resolution Policy 2014

Ratified By: Council	12.3.2012/modified by Silvia Lehmann and Robert Gillman Feb.2014
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Grievances and Resolution Policy

Grievance Resolution

1. Purpose

To provide processes for the effective management and resolution of concerns, disagreements or difficulties within *the Golden Hill Steiner School Inc. (GHSS Inc.)* and its sponsored services e.g. the *Golden Hill Steiner School. GHSS Inc.* is often referred to as *the Association* and its governing body is the *GHSS Council*.

2. Scope

For the purposes of this policy a party lodging a grievance will be identified as *the aggrieved party*.

This policy applies to:

- 1) The *GHSS Inc.* and its members.
- 2) All staff of the *Golden Hill Steiner School, School Council* and its sponsored services, including contractors and temporary, casual and volunteer staff.
- 3) Clients of *the Association* and its sponsored services (e.g. children and parents of the school).

Advice in relation to these policies and procedures is available from the *School Coordinator, College Chair or Chairperson of the School Council*.

3. Application

Golden Hill Steiner School values the diversity within the school community and it is our intention to work together to achieve harmony and consensus. Our school believes that a strong grievance procedure is one of many mechanisms for achieving harmony and consensus amongst a diverse group of people.

It is not always possible to achieve perfect harmony amongst people of different views. Acceptance, however, of those differences and demonstrating a willingness to work collaboratively, are important characteristics of a member of a Steiner school community.

Principles

- A grievance should be dealt with a prompt and positive approach to reduce the level of disruption and conflict.
- A grievance is usually best resolved in an informal manner with active and timely (as soon as the conflict arises) discussion

between all parties in a spirit of good will and a positive intention to resolve the issue.

- Grievance investigations and decision-making are to follow the principles of natural justice and procedural fairness.
- Parties to the grievance and individuals involved in the grievance resolution process are required to respect the confidentiality of the process.
- A grievance cannot be lodged about an act or omission that has already been determined and finalised in another grievance procedure.
- A disagreement or difficulty may arise from a range of issues, including teaching and learning decisions, management decisions, and dissatisfaction with the way policies are implemented or unhappiness with the workplace behaviour of staff members.

3.1 Stage 1 – Informal Resolution

If you or your child has a concern regarding your child's education:

OR

If you have a concern and you are a staff member of the school (including volunteers) or a contractor who provides services to the school:

OR

If you have a concern that involves the *School Coordinator*, a *Council member* or a decision or action of the *Council* or *Parents and Friends Association (P&F)*:

Step 1a: Contact the subject of the grievance as soon as possible and ask to meet to resolve the matter. If you are uncomfortable with this person, a support person and/or mentor teacher (see appendix 2) are welcome to attend. Keep minutes of this meeting and give a copy to the *School Coordinator*.

OR

Step 1b: Contact the council member designated as the "*listening ear*" (see Appendix 1) to confidentially discuss your concerns and the most appropriate way to proceed.

THEN

Step 1c: Try again to contact the person your concern relates to and ask to meet to resolve the matter. If you are still uncomfortable with meeting the person/s involved, a support person is welcome to attend the meeting.

3.2 Stage 2 - Lodging a Stage 2 Formal Grievance with the school

The *aggrieved party* may lodge a formal grievance if they have an honest belief based on reasonable grounds, that they have been adversely affected by a decision or action because it is unfair and/or unreasonable,

and that this issue has not been resolved in Stage 1 (Informal Resolution).

1. *The aggrieved party* should move immediately to Stage 3 if the concern involves:
 - a) An action within the *GHSS* and its *Council and/or College of Teachers*, because it is unfair and/or unreasonable. An example would be an OH&S incident written by the employee and not actioned by the employer.
 - b) The conduct of a *Council member and/or College of Teachers member* in relation to their role because it is unfair and/or unreasonable.
 - c) The conduct of *the School Coordinator or administration staff* and *the aggrieved party* believes that they need the support of a formal grievance process to resolve the issue.
 - d) An OH&S matter. This will immediately go to the *School Council*. (Refer to Appendix 3 for a definition of OH&S issues.)

2. A formal grievance must be lodged to the *School Coordinator* in a written format **OR** by meeting with the *School Coordinator* and with his/her assistance writing a report and specifying:
 - a) A grievance is being lodged;
 - b) The grounds for the belief of unfair and/or unreasonable treatment that has affected them, or will adversely affect them; **AND**
 - c) What would resolve the grievance from *the aggrieved party's* perspective.

3. The *School Coordinator* will promptly acknowledge a grievance within 24 hours of its receipt by the school office. In the absence of the *School Coordinator*, then the *College Chair* will acknowledge the grievance within 48 hours.

4. The *School Coordinator* will promptly initiate appropriate action to resolve the grievance. Appropriate action includes, but is not limited to:
 - Making enquires; and/or
 - Reviewing reasons for administrative action and due process; and/or
 - Referring the grievance to an appropriate person or entity for a specific purpose (e.g. a faculty co-ordinator); and/or
 - Informing the *College* of a receipt of a grievance and the action planned subject to confidentiality as referred to in

- clause 3.4.4 of this grievance policy; and/or
- Conducting an investigation; and/or
- Conducting mediation or conciliation; and/or
- Engaging in negotiations;

5. The *School Coordinator* will ensure that:
 - There is an opportunity to present all aspects of the grievance.
 - If an investigation is conducted, it will be done in a thorough, fair and impartial manner.
6. The *School Coordinator* shall ensure that written records are maintained of all actions in relation to the grievance matter, including documentation of the details of the grievance as reported by *the aggrieved party*, investigations made, findings and decisions taken.
7. Upon completion of each stage of the grievance, *the aggrieved party* and the respondent will be informed in writing of the action taken, finding(s) made, and reason(s) for the decision(s) taken.
8. This investigation and decision-making stage of the grievance procedure is to be finalised within 5 working days of the receipt of the formal grievance unless otherwise agreed.
9. At the end of each month a table of all unresolved grievances will be presented to the *College* and *Council* by the *School Coordinator*. The *School Coordinator* will always bear in mind clause 3.4.4 when reporting items to *College* and *Council*, thereby ensuring the details of the grievance and *the aggrieved parties* will remain confidential.

3.3 Stage 3 - Lodging a Stage 3 Formal Grievance with the *GHSS Council*

1. A formal grievance with the *School Council* may be lodged by *the aggrieved party* if they have an honest belief based on reasonable grounds, that they have been adversely affected because:
 - a) Due process was not followed in Stage 2 of an appropriately lodged grievance.
 - b) The actions of the *School Coordinator* were unfair and/or unreasonable and *the aggrieved party* believes that they need the support of a formal grievance process with *Council* to resolve the issue.
 - c) The unfair and/or unreasonable conduct of a *Council Member* in relation to their role in the grievance process.
2. A Stage 3 formal grievance must be lodged with the *Secretary* of the *GHSS Council* in a written format and specify:
 - 1) A grievance is being lodged;
 - 2) The grounds for the belief of unfair and/or unreasonable treatment that has affected them, or will adversely affect them; and

- 3) What would resolve the grievance from *the aggrieved party's* perspective.
3. The *GHSS Council* will promptly acknowledge a grievance within 3 working days of its receipt by the *Secretary*.
 4. The *GHSS Council* will promptly initiate appropriate action to resolve the grievance. Appropriate action includes, but is not limited to:
 - Making enquires; and/or
 - Reviewing reasons for administrative action and due process; and/or
 - Referring the grievance to an appropriate person or entity for a specific purpose; and/or
 - Conducting an investigation; and/or
 - Conducting mediation or conciliation; and/or
 - Engaging in negotiations; and/or
 - Seeking advice from an external body (e.g. AISWA).
 5. The *Council* will ensure that:

There is an opportunity to present all aspects of the grievance.
If an investigation is conducted, it will be done in a thorough, fair and impartial manner.
 6. Depending upon the nature of the grievance and the actions taken, the *Council* will nominate or co-opt an independent person who may or may not be *Council Member/s* to investigate the grievance, **OR** instigate other appropriate action which could include independent mediation **OR** assessment of the workplace by a work cover inspector if the matter relates to an OH&S issue.
- The *appointee/s* will prepare a report for submission to the *Council*, which will:
- Summarise the investigation and its findings.
 - Recommend appropriate action, which may be taken by the *Council*.
7. In the process of a grievance investigation, the *Council* may authorise the *appointee/s* to access other parties who may assist in clarifying information submitted by *the aggrieved party*.
 8. The *Council* shall ensure that written records are maintained of all actions in relation to the grievance matter, including documentation of the details of the grievance as reported by *the aggrieved party*, investigations made, findings and decisions taken.
 9. Upon completion of each stage of the grievance, *the aggrieved party* and the respondent will be informed in writing of the action taken, finding(s) made, and reason(s) for the decision(s) taken.
 10. The investigation and decision-making stage of the grievance procedure is to be finalised within 21 calendar days of the next

scheduled *Council* meeting, unless otherwise agreed.

3.4 Other Relevant Issues in the Grievance Process

1. The grievance will be dealt with in a fair, impartial and unbiased manner and principles of natural justice will be applied. In practice, this includes making a person involved in a grievance aware of the grievance at an appropriate stage given the specific circumstances of the case and offering them an opportunity to respond.
2. A staff member involved in a grievance may wish to exercise their right to consult with, or be represented by, their union representative, or supported by another staff member.
3. A parent involved in a grievance may wish to exercise their right at any point in the grievance procedure to be supported by a parent member of *Council* or a support person of their choice.
4. The existence of a grievance and the content of the grievance are strictly confidential except for *Council*, *College* or staff members who may have a formal role in the investigation or resolution of a grievance, or in any subsequent disciplinary process. Any person with direct or indirect knowledge of the matter is not to discuss the matter with any other person, unless given formal authority to do so. A grievance register will be held by the *School Coordinator* and shown to the *Council* and *College* at meetings which records the:
 - Date of lodgement of grievance.
 - Name of the person lodging the grievance (originator).
 - Name of the person who will take action on the grievance.
 - Date of the finalisation of the grievance.
 - The signature of the originator and the person who will action the grievance.
 - Nature & persons involved in grievance.

This grievance register will be held in a secure location by the *School Coordinator*.

5. The *School Coordinator*, *College Chair*, and parent representatives on *Council* **will ensure** that *the aggrieved party* (parent, student, staff, and/or contractor) suffers no reprisal either from bringing an issue to the *Council's* attention, or from responding to an issue raised by another relevant party.

4. Related Policies

Staff Handbook
 Enrolment Policy
 Teacher Appraisal Policy
 Staff Code of Conduct
 Council Code of Conduct
 Student Code of Conduct
 Parent Code of Conduct
 Sexual Harassment Policy
 Equal Employment Opportunity/Diversity Policy

5. Relevant Legislation

Equal Opportunity Act 1984
 Human Rights and Equal Opportunity Commission Act 1986
 (Commonwealth)
 Industrial Relations Act 1979
 Racial Discrimination Act 1975 (Commonwealth)
 School Education Act 1999
 Independent Schools' Teachers' Award 1976
 Teachers' Aides (Independent Schools) Award 1988
 Educational Services (Schools) General Staff Award 2010
 Educational Services (Teachers) Award 2010

Appendix 1: Mandate for the Role of the "Listening Ear"

Purpose:

- If you have a concern about your child or a situation in the classroom, it is very important that your child's teacher hear your concerns. The most effective method of handling your questions is to talk directly with the teacher involved. Teachers want to be involved with students and parents; they appreciate your involvement.
- We also recognize that parents sometimes need to share their thoughts and be heard without judgement before they take their concerns/questions to a teacher. At our school we have created the role of the "listening ear", a person trained in conflict resolution who can confidentially listen to your concerns and assist you in following the school's policy and procedures for grievance and resolution.

Scope:

- The "listening ear" position is a parent appointed by Council.
- At the end of each month a table of all discussions will be presented to the *School Coordinator*, the *College Chair* and Human Resources Committee by the "listening ear" representative.
- The "listening ear" representative will always bear in mind clause 3.4.4 of this grievance policy when reporting items to *College* and *Council*, thereby ensuring the details of the discussion and the parties involved will remain confidential.

Principles:

- Treats other person with respect
- Listens
 - without judgement
 - in confidence
 - so people can hear themselves
- Explores thinking and feeling
- Asks clarifying questions
- Tries to engender lightness, positivity and enthusiasm
- Encourages initiative, innovation and creativity
- Does not offer solutions
- Supports action through appropriate school channels.

Appendix 2: Mandate for the Role of the Mentor Teacher

Purpose:

- If you have a concern about your child or a situation in the classroom, it is very important that your child's teacher hear your concerns. The most effective method of handling your questions is to talk directly with the teacher involved. Teachers want to be involved with students and parents; they appreciate your involvement.
- To provide help, the College of Teachers has set up a mentor programme. Each teacher has another teacher assigned as a mentor. The mentor role is meant to provide professional development support throughout the faculty. These teachers meet on a regular basis throughout the school year. If you don't feel the teacher hears your concerns, ask to meet with both teacher and mentor. You may wish to bring another parent to this meeting to provide support.
- The College trusts that this is a system that will promote growth for everyone involved. Please do not wait until an issue grows unwieldy. Bring your concerns and questions directly to the teacher.

Scope:

- The mentor position is a teacher assigned by the College of teachers.
- The mentor teacher will always bear in mind clause 3.4.4 of this grievance policy ensuring the details of discussions and the parties involved will remain confidential.

Principles:

- Treats other person with respect
- Refers to Anthroposophical Thinking
- Listens
 - without judgement
 - in confidence
 - so people can hear themselves
- Explores thinking and feeling
- Asks clarifying questions
- Tries to engender lightness, positivity and enthusiasm
- Encourages initiative, innovation and creativity
- Does not offer solutions
- Supports action through appropriate school channels.

Appendix 3: Occupational Safety and Health

The employer at Golden Hill Steiner School Inc. is the school Council and as part of their legal duty, they have to comply with the Occupational Health and Safety Act 2000 Section 19 which states that the employer duties include:

(1) Employees

An employer must ensure the health, safety and welfare at work of all the employees of the employer.

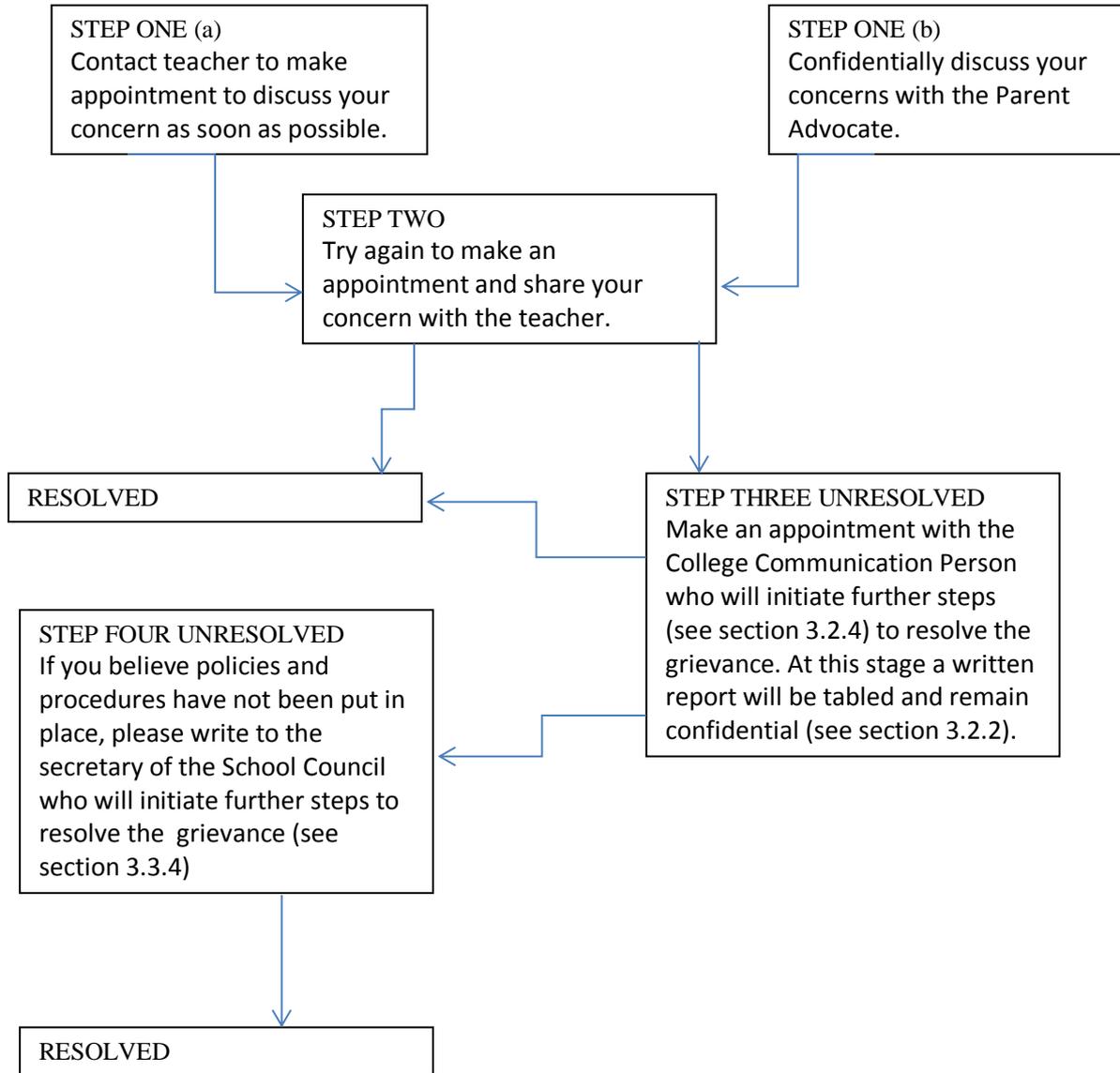
That duty extends (without limitation) to the following:

- (a) Ensuring that any premises controlled by the employer where the employees work (and the means of access to or exit from the premises) are safe and without risks to health.
- (b) Ensuring that any plant or substance provided for use by the employees at work is safe and without risks to health when properly used.
- (c) Ensuring that systems of work and the working environment of the employees are safe and without risks to health.
- (d) Providing such information, instruction, training and supervision as may be necessary to ensure the employees' health and safety at work,
- (e) Providing adequate facilities for the welfare of the employees at work.

(2) Others at workplace

An employer must ensure that people (other than the employees of the employer) are not exposed to risks to their health or safety arising from the conduct of the employer's undertaking while they are at the employer's place of work.

Appendix 4: Reconciliation – Flow Chart for Parents



Appendix 5: Reconciliation – Flow Chart for Staff

