

DARA SCHOOL

GRIEVANCE POLICY AND PROCEDURE

GRIEVANCE POLICY

1. PURPOSE

Dara School recognises the principles of justice, equity, and fairness as critical in resolving issues around concerns, complaints, and grievances.

All stakeholders have the right to a safe environment and to be treated with dignity and respect.

This policy provides guidance on how to manage and resolve grievances in combination with our other policy documents. The purpose of this policy is to encourage stakeholders to:

- raise their grievance without fear of victimisation or disadvantage.
- promote the timely resolution of complaints.
- ensure there is a fair process in resolving complaints.

2. SCOPE

Dara School is committed to maintaining an environment which is trusting, open, and promotes effective communication between all stakeholders, including students, parents, staff, and volunteers.

Grievances can mean a problem, concern, issue, conflict, or incident raised by an employee, contractor, volunteer, or supplier relating to work, the work environment or working relationships.

Some examples of grievances can be:

- harassment at the workplace
- issues regarding health and safety
- unsupportive or troublesome behaviour of colleagues or supervisors
- unfavourable changes at the workplace or in work conditions.

This policy emphasises a collegial approach to grievance resolution and is designed to lead to a prompt and fair resolution of difficult problems.

While the parties to the grievance attempt to resolve the matter in accordance with this policy, work must continue as normal, other than with respect to bona fide health and safety issues, while the matter is being dealt with in accordance with this policy.

3. POLICY PRINCIPLES

- **Privacy and confidentiality** – only people directly involved in the grievance, or in managing it can have access to information about the grievance. Stakeholders involved within the grievance should not discuss the matter with any other person subject to any legal requirements for disclosure.
- **Fairness** – all parties to the complaint will have the opportunity to present their side of the matter. No assumptions will be made, or action taken until all relevant

information has been collected and considered. All parties will have access to support if required.

- **Freedom of victimisation** – all necessary steps are taken to ensure that those involved in a grievance are not victimised by anyone for coming forward with the grievance or for helping to manage it. Any victimisation will lead to disciplinary action.
- **Timely** – all grievances are dealt with in a timely manner.

4. MINISTER FOR EDUCATION AND CHILD DEVELOPMENT

Neither the Minister for Education, Training and Skills nor the Department for Education has any power to directly intervene in any complaints relating to the operations of a non-government school (*Funding Deed*).

5. INFORMAL RESOLUTION OF COMPLAINTS

Complaints may be minor in nature, or readily resolved, and may arise from a genuine misunderstanding and/or issues relating to communication.

Informal grievance resolution includes attempts to solve grievances through discussions and meetings with the parties involved. Dara School encourages an informal grievance resolution prior to resorting to a more structured process. When a matter becomes of concern, the aim is to seek and resolve the complaint in an informal and polite manner. This is best done through direct communication by and between parties concerned.

Parties to the grievance should endeavour to:

- amicably discuss the matter
- identify all perspectives of the issue at hand
- come to a mutually agreeable conclusion.

If resolution is not achieved at the informal stage because the grievance is of a more complex nature, the parties believe the informal process is not appropriate, or the complainant feels uncomfortable about approaching the subject of the complaint, then the formal grievance resolution should be undertaken.

Formal procedures for the resolution of complaints should only be invoked when a matter is of a serious nature and cannot be resolved by the parties themselves through informal means.

6. FORMAL AND SERIOUS COMPLAINTS

- 6.1. Complaints that cannot otherwise be resolved informally or are of a serious nature may be referred to the principal in writing.
- 6.2. Parties to the grievance should endeavour to:
 - amicably discuss the matter
 - identify all perspectives of the issue at hand
 - come to a mutually agreeable conclusion.
- 6.3. If resolution is not achieved at the informal stage because the grievance is of a more complex nature, the parties believe the informal process is not appropriate, or the complainant feels uncomfortable about approaching the subject of the complaint, then the formal grievance resolution should be undertaken.
- 6.4. As soon as practicable after a formal written complaint has been lodged, a process will be put in place by the school to investigate the complaint.
- 6.5. The investigation process in relation to a formal complaint will include:
 - Gathering all relevant information relating to the complaint
 - Review meetings previously convened to discuss complaint and outcomes.
 - Convene additional meetings if required to discuss complaint and outcomes.
- 6.6 Resolution may include general discussion, conciliation and/or mediation, or more interventionist action such as an investigation.
- 6.7 The manager/supervisor or other relevant person will consider a range of options to resolve the grievance and may involve external agencies, such as a qualified investigator or mediator or both, in this process.
- 6.8 If a resolution cannot be found, a determination will be made by the school, based on the investigation, as to whether the complaint will be upheld.
- 6.9 If the complaint is substantiated or inconclusive, all parties will be notified formally along with any follow up counselling or other actions.

Legal obligations relating to child abuse may limit Dara School's ability to undertake a comprehensive investigation about any incident relating to child protection. This particularly applies to the mandatory reporting requirements outlined in the [Children and Young People \(Safety\) Act 2017 \(SA\)](#). South Australia Police (SAPOL) involvement in some investigations may also limit the nature and scope of the school's investigation. In such cases, the school will seek guidance from SAPOL as to what can or cannot be done while SAPOL are involved in the matter.

7. RESPONSIBILITIES OF PRINCIPALS

Principals hold a key position in resolving grievances. We expect Dara Principals to be familiar with this grievance policy. Some of their responsibilities include but are not limited to:

- adopting a serious, fair, sensitive, and timely approach towards solving grievances
- informing parties involved in grievance resolution of their rights and responsibilities
- ensuring that procedural fairness is applied throughout the process of grievance handling
- ensuring that none of the parties involved face any adverse action after lodging a grievance
- maintaining all the necessary documentation such as contemporaneous notes, correspondence, statements etc.
- ensuring that confidentiality is maintained throughout the procedure as far as reasonably practicable, and as necessary
- keeping all parties informed of the progress of grievance processes and possible outcomes
- ensuring that the principles of natural justice and procedural fairness are applied to the resolution of all grievances.

8. RESPONSIBILITIES OF EMPLOYEES

All employees are expected to:

- comply with this policy
- adopt a professional and courteous attitude in the workplace
- make complaints in good faith and on reasonable grounds
- be cooperative throughout the process of grievance resolution
- not victimise any person for making a complaint.

9. REFERRAL OF A COMPLAINT TO THE SCHOOL BOARD

- 9.1 Generally, the Chair of the School Board and members are not directly involved in the first instance, except for complaints arising within the School Board itself.
- 9.2 In the instance where a complaint is made about the Principal, a person may feel that the matter cannot be resolved or raised effectively, therefore they may lodge a formal complaint to the Chair of the School Board.
- 9.3 The Chair will expeditiously take all reasonable steps to have the complaint fully investigated and facilitate a resolution.

10. INVESTIGATION AND KEEPING PROPER RECORDS

Information about complaints can be obtained from three chief sources: witnesses, other persons with relevant knowledge or information, and written records.

Dara School will keep a record of the complaint which will include the following detail:

- Date when issue was first raised.
- Name of parent(s).
- Name of student(s).
- Detailed statement of concern/complaint including:
 - Nature of complaint.
 - Identity of person(s) involved; and
 - Time of allegation.
- Description of the procedures applied and the time frame for reporting on the outcomes of any investigation.
- Statement of outcomes; and
- Names of staff member(s) handling complaint.

Dara School acknowledges that documents created during the investigation and handling of a complaint might have to be produced in legal proceedings. Therefore, records will contain clear and accurate notes of conversations with parents, students, and staff. It is important that all records are created contemporaneously.

It is critical that all records are appropriately and securely stored. A Complaints Register is kept and managed by the Principal's Assistant.

11. ANONYMOUS COMPLAINTS

There may be occasions where anonymous complaints are received. There are limitations to the extent that an anonymous complaint can be investigated. The principal will determine how to manage these complaints on a case-by-case basis.

It also raises issues in relation to procedural fairness for those who have a complaint made about them as they have a right to know the particulars of the complaint in order to be able to respond in an informed manner. The school therefore cannot guarantee that anonymous complaints can or will be dealt with.

12. DEFINITION

Grievance/Complaint is an expression of dissatisfaction with a real or perceived situation or outcome. The dissatisfaction may be based on a perception that a

	student, parent, or staff member has done something wrong, or failed to do something he/she should have or acted unfairly or inappropriately.
Informal grievance	a grievance made verbally.
Formal grievance	a grievance made in writing.
Support person	a person to assist the person to prepare for an investigation interview and to be with them in the meetings to provide industrial advice (if attending in that capacity) and to take notes. They cannot speak on the person's behalf.
Procedural fairness	lack of bias, use of evidence to support decisions, process directed by procedures, investigation appropriate to the circumstances and history.
Natural justice	ensuring all parties affected by a grievance have a fair hearing prior to attempting a resolution.
Investigation process	standardised system of enquiries designed to discover the facts of a series of events. Repeatable, consistent process.
Complainant	a person who makes a complaint against another party, alleging harm by that person.
Respondent	a person called upon to issue a response to a communication made by another, such as a complaint.

13. MONITORING, EVALUATION AND REVIEW

School leaders will provide ongoing support and monitoring of the school's compliance with this policy.

The Dara School Board of Governance will maintain oversight of the policy's relevance, and the policy is to be reviewed every 5 years by the school leadership.

14. EDUCATION STANDARDS BOARD

This policy supports criterion 3.9 of the Standards for Registration and Review of Registration of Schools in South Australia. The school has in place, and implements, policies and procedures for managing complaints and grievances from students, parents, caregivers, and the community.

15. SUPPORTING DOCUMENTS

Against Bullying, Discrimination, Harassment and Violence Policy

Privacy and Confidentiality Policy

Staff Code of Conduct Guidelines

Partnership with parents Policy

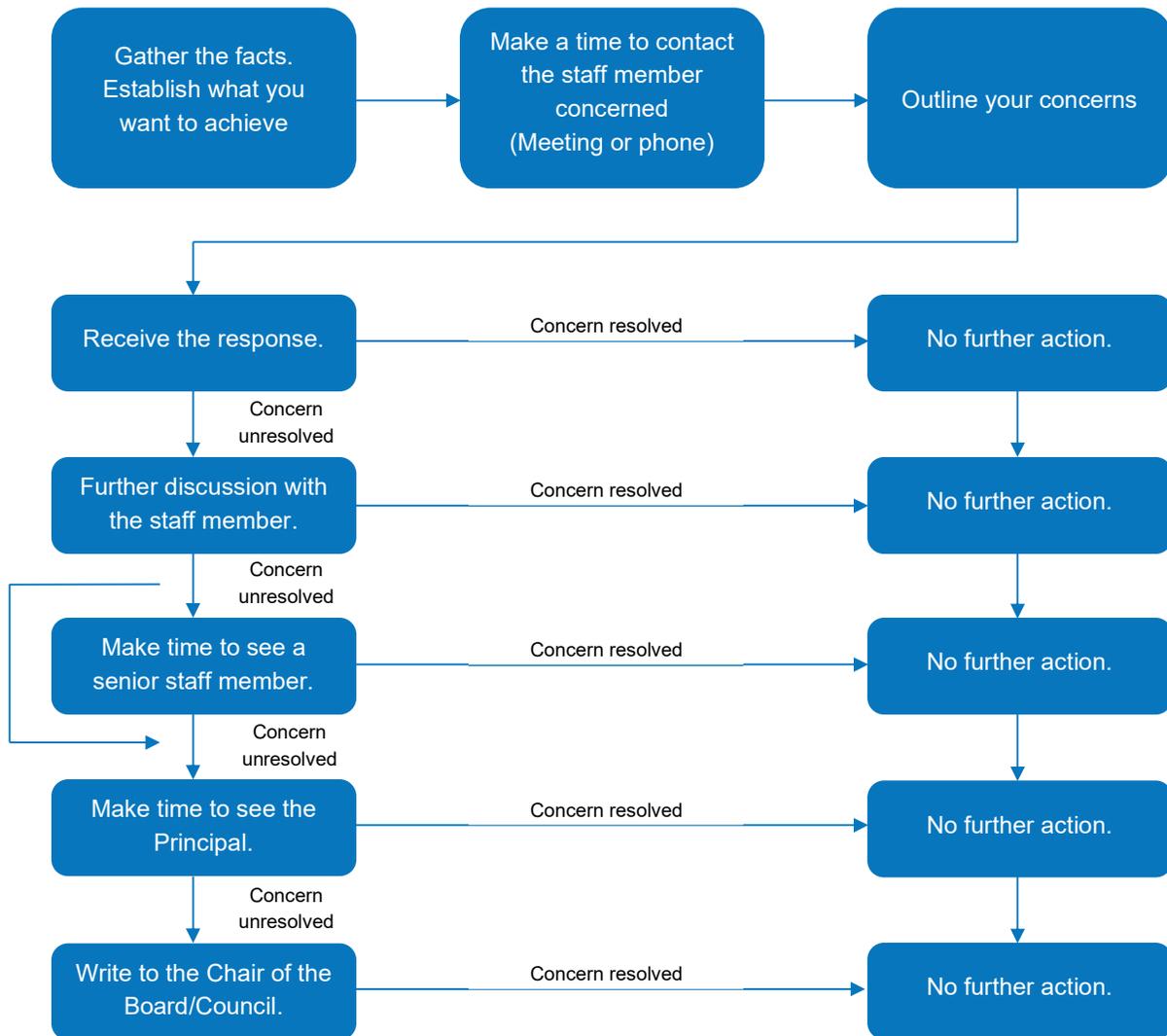
Parent code of conduct

16. GRIEVANCE PROCEDURE

Procedures exist to provide positive, clear, and effective processes for resolving concerns between parents and the School. Please see the flow chart below. A complaint becomes formal once it is taken to the Principal(s).

1. All concerns are to be kept confidential.
2. Communication and resolution processes should always be based on all parties acting in good faith, exercising good judgement, being open and honest and focusing on the issue, not the person(s).
3. Each complaint will be dealt with on its circumstances and merits and any settlement reached or determinations made through the resolution process will not necessarily constitute any binding precedent for future or similar cases.
4. In responding to a complaint every reasonable effort shall be made to ensure that natural justice and procedural fairness are afforded to all parties. This means in practical terms that:
 - a) All parties are entitled to be heard and treated with respect.
 - b) All parties should participate fully in the resolution process to achieve an outcome that is realistic and reasonable.
 - c) A person who is the subject of a complaint should be informed of the substance of the complaint and given an opportunity to present their perspective.
 - d) All parties have a right to seek advice and support. If bringing a support person to a meeting, this should be advised beforehand as a matter of courtesy.
 - e) Investigations and proceedings must be conducted fairly, thoroughly and without bias or undue delay.
 - f) Parties should provide all relevant, material and information, documents or other evidence relating to the complaint.
5. All formal discussions and processes involving complaints will be documented.

Formal grievance procedure flowchart



17. REFERENCES

Funding Deed Between Minister for Education and Child Development and Dara Village School Incorporated (A42126), dated 18th September 2017, Minister for Education Child Development Education Centre, 31 Flinders Street, Adelaide, SA 5000

[Children and Young People \(Safety\) Act 2017 \(SA\)](#) accessed 30 November 2023

[Privacy Act 1988 \(Cth\)](#) accessed 30 November 2023

[Education and Children's Services Act 2019 \(SA\)](#) accessed 30 November 2023

[Equal Opportunity Act 1984 \(SA\)](#) accessed 30 November 2023

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