

RESOLVING GRIEVANCES:



FOR STUDENTS AND PARENTS

This Policy should be read in conjunction with the following MLC information:

- *Acceptable Use Agreement*
- *Anti-Discrimination Policy*
- *Child Protection Policy*
- *Code of Conduct for Students; Supporting the Development of Positive Relationships*
- *Duty of Care Policy*
- *Enrolling Students and Employing People with a Disability*
- *Information, Learning and Technology Acceptable Use Policy*
- *Managing Student Behaviour Framework*
- *Prevention of Bullying Policy*
- *Privacy Policy*
- *Suspensions and Expulsions Policy*

RATIONALE

Methodist Ladies' College (MLC) is committed to providing a safe and healthy environment within which diversity is valued and encouraged.

It is expected that within a Christian College community, individuals and groups will seek to behave in ways which are collaborative and co-operative, in order to help the community deliver the best outcomes for our students.

The Christian ideals of:

- Tolerance of alternative views;
- Learning from mistakes;
- Forgiveness;
- Not holding grudges;
- Not gossiping; and
- Supporting your brother or sister in love

are all ideals, which, if practised, will engender a harmonious and dynamic community.

This policy establishes the procedures which students and their parents follow for resolving a matter which gives rise to a complaint or grievance concerning the College.

The policy is consistent with MLC's Values of:

- Integrity
- Mastery
- Enterprise
- Justice

A grievance is defined as an expression of dissatisfaction with a real or perceived outcome. The dissatisfaction may arise as a result of something not being done, something being done which is seen as wrong, or behaviour which is considered unfair or inappropriate.

All students and their parents are expected to behave in accordance with the College Values.

The College will ensure that documentation related to the grievance is stored securely and that confidentiality is maintained. All information, including written notes and supporting material, will be stored securely as directed by the Human Resources (HR) Department and/or the Principal.

This Policy applies to all students and their parents/guardians.

This Policy can be used to manage situations which could not be satisfactorily resolved through regular College processes of counselling and behaviour management.

AIMS

1. We do not aim to be a College where unanimity and compliance are the goal or even the norm, but an organisation in which diversity of views and opinions leads to rigorous, quality debate and practice in our educational endeavours. We acknowledge that alternative views and a safe and open environment in which to express and explore those views are elements of a healthy and dynamic community.
2. When differences of opinion or differences in behaviour cause offence, it is expected that individuals or groups will resolve issues between themselves through open and honest dialogue. Students will often require the support of an adult to do this successfully.
3. Aggrieved parties must avoid gossiping, dealing with grievances through emails, broadcasting issues through emails and bullying or harassment to achieve an outcome. MLC promotes an environment free from harassment, bullying and unlawful discrimination. These behaviours will not be tolerated under any circumstances. Parties are encouraged to speak openly and honestly about their issues, speak directly with the person concerned, to keep issues confidential where possible, to avoid engaging authorities outside the College to boost their own case and be prepared to contribute to the desired solution.

GUIDELINES

1. All matters should be handled with sensitivity and apply the principles of natural justice. It is important to protect and maintain confidentiality and not discuss the matter with others. It is also important to recognise that all parties must be given an opportunity to be heard and for there to be a reasonable time frame for consideration of issues and their response.
2. When a matter is investigated as part of the Formal Process, the complainant (person making the grievance) and the respondent (person to whom the grievance is directed) have certain legal rights that protect them during the investigation process. MLC will ensure that when a matter is investigated:

- 2.1 The specific details and facts of the allegation complained of are given to the respondent without the use of emotive language;
 - 2.2 Both parties have an opportunity to respond to all of the evidence gathered and have a reasonable amount of time to do this;
 - 2.3 Both parties are allowed support or representation from a person;
 - 2.4 All allegations will be fully investigated before a decision is made;
 - 2.5 The appointed decision maker will be impartial;
 - 2.6 The decision made will be based on the evidence before the decision maker;
 - 2.7 No disciplinary action will be taken unless the grievance is found to be proven;
 - 2.8 The disciplinary action must be reasonable; and
 - 2.9 Both parties have the right to appeal the decision.
- 3 Students may seek assistance from a Class Teacher, Mentor, Head of Year, School Psychologist, Dean of Education, Director of Boarding, College Chaplain or the Deputy Principal.
 - 4 Parents may seek assistance from the Head of Year, School Psychologist, College Chaplain, Dean of Education or the Deputy Principal. Parents of Full Fee Paying Overseas Students can also seek assistance from the independent International Student Conciliator (Refer to Appendix 1).
 - 5 Staff may seek assistance from a Head of Academic Department or Line Manager, the Employee Assistance Programme (EAP), Human Resources (HR), School Psychologist, College Chaplain or any member of the College Leadership Team excluding the Principal.
 - 6 For all matters except those involving the College Council, the Principal is the decision maker and as such is not eligible to be the support person.
 - 7 The grievance process is not adversarial or technical. Where possible, grievances are to be mediated through an open process of discussion and communication.
 - 7.1 Complainants, respondents or other parties involved in the grievance procedure may not be represented by lawyers at interviews or meetings arranged as part of the procedure.
 - 7.2 A respondent may request an opportunity for written submissions to be provided by a lawyer acting for the respondent before a decision is made by an external independent arbiter upon a review of the outcome of a formal grievance procedure that includes suspension or dismissal/expulsion.
 - 8 Any person who has lodged a grievance, or is a witness to a grievance, will not be discriminated against or suffer any other disadvantage for having lodged a grievance in good faith.
 - 9 Discrimination, harassment, bullying and/or victimisation are not tolerated at MLC. A student who engages in any conduct that constitutes discrimination, harassment, bullying or victimisation as outlined above will be subject to disciplinary action in accordance with the *Code of Conduct for Students: Supporting the Development of Positive Relationships*.
 - 10 If a grievance is lodged and is subsequently found to be frivolous or vexatious (no merit to the complaint or malicious), then any student who lodged the grievance may be subject to disciplinary action in accordance with the *Code of Conduct for Students: Supporting the Development of Positive Relationships*.

Informal Grievance Procedure

- 11 An informal grievance is when the complainant initially requests the matter to be dealt with informally.
- 12 A student and/or their parent should firstly seek to resolve the matter through an informal discussion directly with the person concerned. Please refer to the following flowcharts, available on the College Portal , to assist with identifying the appropriate person in different circumstances:
 - 12.1 Queries and Concerns: Boarding House
 - 12.2 Queries and Concerns: College Operations
 - 12.3 Queries and Concerns: Day School Pastoral Issues
 - 12.4 Queries and Concerns: Curriculum Issues
- 13 If it is not possible to discuss the matter directly with the person concerned, or the student and/or their parents do not believe the matter has been satisfactorily concluded, then the matter should be discussed with the Head of Year, the relevant Dean of Education or the Deputy Principal.
- 14 If the matter cannot be satisfactorily resolved by the Head of Year, Dean of Education or Deputy Principal, the matter should then be referred to the Principal.
- 15 The Principal shall try to resolve the matter through further discussion. If the Principal is unable to resolve the matter through discussion, she/he shall direct the matter to be dealt with formally.
- 16 Where a student or their parent has a grievance against the Principal they shall first seek to resolve the matter by discussion with the Principal. If the matter is still not resolved, the student and/or their parent may seek to refer it to the Chair of the College Council through the Formal Grievance Process (Refer to Appendix 2).

APPENDIX 1

Resolving Grievances for Full Fee Paying Overseas Students (FFPOS)

These processes in relation to FFPOS comply with the conditions set out in the National Code, Part D - Standard 8.

Full Fee Paying Overseas Students (FFPOS) and their parents are required to access the *Methodist Ladies' College Resolving Grievances: For Students and Parents Policy* within 10 working days of the occurrence of a matter giving rise to a complaint or grievance.

The independent International Student Conciliator located at the Department of Education Services is available to assist the parties to resolve the dispute themselves through mediation and conciliation, complementary to the College's *Resolving Grievances: For Students and Parents Policy*.

If the student chooses not to initiate this process or withdraws from the process, or the process is completed and results in a decision supporting the College, the Admissions Registrar must notify the Secretary of Department of Education and Training (DET) through **Provider Registration and International Students Management System (PRISMS)**, of details pertaining to the matter that gave rise to the complaint, including steps taken to resolve or attempt to resolve it.

If an FFPOS is excluded from the College for any reason pertaining to a complaint or Visa issues it will be with no disadvantage to the student.

FFPOS External Appeals Service

The independent International Student Conciliator cannot be nominated as the external body or person available for assistance where an international student and/or her parents disagree with the outcome of the College's internal grievance process (as referred to in Standard 8 of the *National Code*).

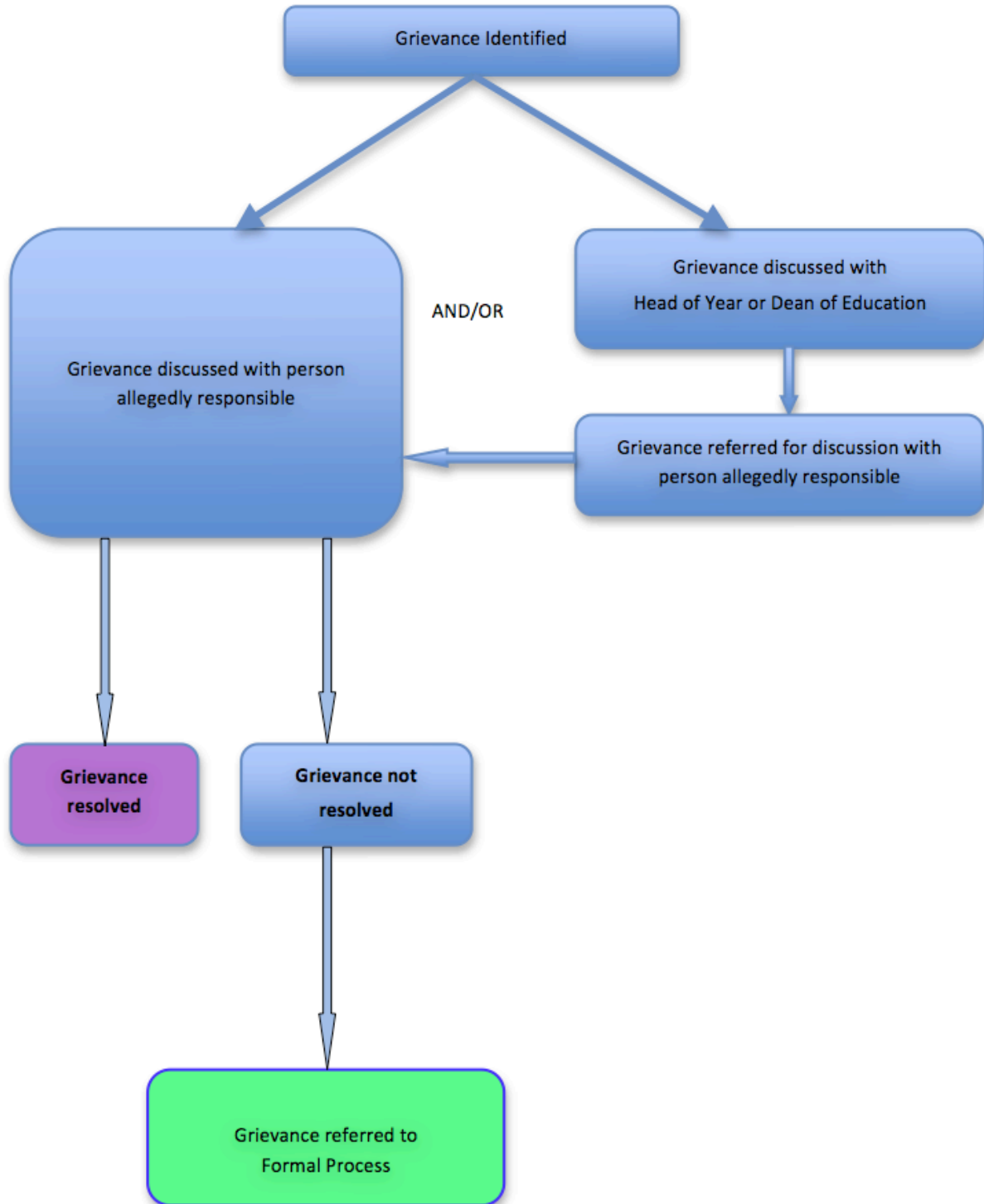
If FFPOS or their parents wish to lodge an external appeal or complain about the College's decision following completion of the process set out in *Resolving Grievances: For Students and Parents*, they can do so by contacting the Overseas Students' Ombudsman.

The Overseas Students' Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their private education or training provider. See the Overseas Students' Ombudsman website www.oso.gov.au or phone 1300 362 072 for more information.

During the internal grievance process (*Resolving Grievances: For Students and Parents Policy*) and during external appeals processes involving unsatisfactory course progress or unsatisfactory attendance, the student's enrolment will be maintained until the process is completed. If the external appeals process is related to the College's decision to defer or suspend a student's enrolment due to misbehaviour, the student's enrolment can be suspended from the time of completion of the internal grievance process.

GRIEVANCE RESOLUTION PROCESS for Student & Parents

Informal



GRIEVANCE RESOLUTION PROCESS for Students & Parents



APPENDIX 2

Formal Grievance Procedure

Step 1: Written

The complainant completes the written grievance form (*Appendix 3 - Formal Grievance Form*). The complainant is to focus on and record the facts ie what, where, when, how and any supporting evidence he/she may have, including witnesses, emails, photographs, texts etc. If required, a complainant who is a student can seek the help of a Class teacher, Mentor, Head of Year, School Psychologist, Director of Boarding, College Chaplain, Dean of Education or Deputy Principal to complete this form.

Once completed, the Form must be given to the Deputy Principal.

A copy of the written grievance will be provided to the respondent.

All interviews conducted during the formal grievance process will be recorded in writing. Any supporting evidence such as emails, pictures, or other documentation will be copied and attached to any written notes.

Step 2: Investigation of Grievance

Before commencing investigation of a formal complaint, the complainant must have made reasonable attempts to resolve the complaint informally with the respondent in the first instance.

Grievances may be investigated by HR, or a member of the College Leadership Team (CLT) excluding the Principal. If the grievance is made against HR or a member of the CLT, the matter may be investigated by an independent external party appointed by the Principal.

For all matters except those involving the College Council, the Principal is the decision maker and as such is not eligible to be the investigator.

If the grievance is against the Principal or a member of the College Council other than the Chair, then the matter immediately goes to the Chair of the College Council and may be investigated by an independent party. If the grievance is against the Chair of the College Council, the matter will go to the Deputy Chair of the College Council and may be investigated by an independent party.

Where required, MLC will commence an investigation, or appoint an independent investigator to investigate, within 7 days of the written Formal Grievance Form being given to HR (or member of the Council for complaints against the Principal or member of the College Council). A copy of the written grievance will also be provided to the investigator.

The investigator will meet with the complainant and outline the grievance process, the principles that apply to the process and the procedure that will be followed.

The investigator interviews the complainant and may also choose to interview any witnesses identified by the complainant and make a written statement of the evidence given by those witnesses.

The investigator checks the accuracy of the statements with the relevant witnesses before providing copies or a summary of the statements to the respondent.

The investigator meets with the respondent and outlines the grievance process, the principles that apply to the process and the procedure that will be followed.

The respondent is provided with the details of the grievance and all relevant witness statements, or a summary of these, and has 7 days to respond to the grievance.

The respondent can respond in writing as well as by way of an interview with the investigator. A support person can be present during this interview and can take notes during the interview.

The investigator makes a written statement based on the interview with the respondent and any relevant witnesses and checks the accuracy of each statement with the relevant witness before providing copies or summaries of the documents to the complainant.

Where new facts arise in the course of the investigator interviewing the respondent and his/her witnesses, then the investigator may provide the respondent's statement and witness statements, or summaries of these, to the complainant and allow 7 working days time as preparation before the complainant responds.

The investigator meets with the complainant and makes a written record of his/her response to the respondent and other witnesses' statements.

At any time throughout the formal grievance process the investigator may, with the consent of both parties, pause the investigation and attempt to mediate a resolution of the grievance (informal mediation). If the mediation is successful then the investigation will cease at that point. All documentation collected up until that point will be stored in a secure location under the direction of HR or the Principal.

Step 3: Outcome of Investigative Process

The investigator provides a written report to the decision maker (Principal or Chair of College Council) detailing all the evidence and a finding as to whether the grievance is substantiated or not.

The Principal or Chair of College Council makes a decision on the report provided and both parties are then provided, with the decision maker's conclusion in writing within 14 days of the report being provided to the decision maker.

If the decision is that the grievance is not substantiated, the complainant and respondent are advised accordingly.

If the decision is that the grievance is substantiated, the decision maker decides an outcome, which may include the following:

- Counselling;
- Staff Professional Learning and Development;
- Warning - oral/written;
- Apology;
- Suspension; and
- Dismissal/Expulsion.

Step 4: Review

Either party may request in writing to have the outcome reviewed within 7 days of being notified of the decision. This request must be given to Principal or Chair of College Council.

If an appeal is lodged, the decision maker will outsource to an independent arbiter to examine all of the evidence and advise accordingly. The independent arbiter's review is final within MLC. This investigator may be a different investigator to the one used earlier.

The timeframes outlined in this document can be varied either by agreement between the parties, at the Principal's discretion for operational requirements or if a justifiable reason for the delay can be substantiated; e.g. illness or leave.

