



# **GRIEVANCE POLICY**

**2014**



## GRIEVANCE POLICY

The Scots School Bathurst is committed to providing a work and study environment which is fair, safe and free from discrimination for all members of the School community. An essential part of developing this environment is ensuring that any member of the community are encouraged to come forward with concerns, complaints and grievances in the confidence that responsible staff will take proper action to address the issues raised. It is a fact that even small concerns have the potential to grow into major problems that can cause tension, low morale and reduced student achievement. Appendix 1 contains areas where possible areas of concern may be generated. This policy document is complementary and completed by reference to other documents:

- TSS Staff Code of Conduct
- TSS Student Welfare Policy
- TSS Student Diary
- TSS Child Protection Policy
- TSS Pastoral Care Policy
- TSS Occupational Health and Safety Policy
- TSS Bullying and Harassment Policies and Procedures

### Principles

- Grievances will be treated seriously and sensitively, having due regard to procedural fairness and privacy. Requirements relating to confidentiality and privacy extend to the use and storage of records related to a grievance.
- Grievances should be handled quickly and as close to their source as possible. People should raise concerns as early as possible after the issue occurred.
- Where ever possible, grievances should be resolved by a process of discussion, cooperation and mediation to reach an acceptable outcome that minimise any potential detriment to ongoing relations.
- Persons raising a complaint should be protected from victimisation due to raising a complaint or are associated with a complainant.
- People should not instigate a grievances that are frivolous or malicious.
- Both the person raising the grievance and the person against whom the grievance is directed will receive appropriate information, support and assistance in resolving the grievance.



## PROCEDURES

### STEP 1

Before initiating the grievance procedures, the complainant should try to resolve any grievance with the person/s concerned. This may not always be appropriate or even possible.

- The TSS Welfare Document and the TSS Student Diary contain an extensive list of first contacts with the staff of the School when concerns are being raised on behalf of students or parents. These contacts may be made in either an informal or formal manner (remembering that staff are mandatory reporters of matters covered by the Child Protection Policy).
- The TSS Staff Code of Conduct contains guidance with respect to staff relationships with other staff. In general terms serious grievances are not resolved, and may even be exacerbated, by common room gossip. It is better that persons with serious concerns should discuss the matter with members of the executive of the School.

### STEP 2

Where the person with concerns has been unable to resolve these grievances themselves or through the above mechanisms they should take their grievance formally to the Headmaster or Deputy Headmaster.

- The Headmaster or Deputy Headmaster should address the grievance with the view to resolving it after two weeks of the complaint. This would involve:
  - a) listing the concerns and desired outcome of the complainant;
  - b) Providing the complainant with a copy of this document (if reference to it has not already occurred);
  - c) Keeping those involved informed of the progress of the matter;
  - d) Monitoring the situation during and after the resolution process;
  - e) Informing all parties of the rules of procedural fairness;
  - f) Providing those subject to a complaint (if that is the nature of the grievance) with opportunity to respond;
  - g) **If the respondent is a member of staff:**
    - i) refer the complaint if not clearly within the scope of the School's provisions for misconduct/serious misconduct or unsatisfactory performance for academic and related staff
      - refer the complaint back to the relevant supervisor or to a nominee, with a recommendation for resolution; or
      - initiate an investigation into the matter. This may involve referring the matter to an independent investigation for advice; or
      - seek to resolve the matter directly; or
    - ii) if the complaint is against an academic member of staff and falls within the scope of School's provisions for staff misconduct/serious



- misconduct or unsatisfactory performance, following the appropriate disciplinary procedures; or
- iii) if necessary, contact an appropriate outside agency.

**If the respondent is a student:**

- i) refer the complaint back to the relevant supervisor or to a nominee, with advice for resolution; or
  - ii) initiate an investigation into the matter. This may involve referring the complaint to an independent investigator for further investigation and advice; or
  - iii) seek to resolve the matter directly; or
  - iv) if the complaint falls within the School's provisions for student misconduct, refer to the Director of Student Welfare for appropriate action; or
  - v) if necessary, contact an appropriate outside agency.
- h) making a report on the grievance resolution process and outcomes which should be stored in a separate grievance file.
- i) Referring the complainant to appropriate agencies outside the School community if they remain dissatisfied.

**NOTE**

Any determination by the Headmaster in accordance with these procedures with regard to the grievance will be final save for the complainants or respondent pursuing the matter outside the School if such avenues exist.

**OUTCOMES**

Outcomes will vary from case to case depending on the nature and circumstances of each. Outcomes could include:

- The complainant gaining a better understanding of the situation and no longer feeling wronged;
- The complainant receiving a verbal or written apology;
- The respondent receiving a verbal or written reprimand;
- One or both parties agreeing to participate in some form of counselling;
- Disciplinary action where a School policy or rule were found to have been breached or where misconduct/serious misconduct or unsatisfactory performance has occurred.

Disciplinary action may also be taken where:

- A grievance is found to have been malicious or vexatious;
- A person victimises another person because of their involvement in the grievance;
- Unnecessary disclosure of information (a breach of confidentiality) has occurred.



## **MONITORING AND REVIEW**

The operation of this policy and procedures will be reviewed on an annual basis by the Headmaster, Deputy Headmaster and other delegated individuals on an annual basis.

## **APPENDIX 1**

Nature of complaint

- discrimination
- bullying or harassment
- work related grievance
- criminal or behaviour
- unethical or unprofessional conduct (conflict of interest, failure of duty of care, plagiarism)
- occupational health and safety
- privacy issues
- student standing in courses
- student misconduct



## OVERSEAS STUDENT PROCEDURES

Records from timetable sources and attendance sources are available through Datalink for referencing each student's attendance record for each subject they are attempting. These records:-

- a) Show when a student's attendance in a particular subject is of concern with regard to mandatory hours (in the case of overseas students 80% of scheduled course hours).
- b) Allow warnings to be issued to the student and warning letters to be sent to the parents/guardian and the student. Copies of both records are kept in the student's file and electronically by the Deputy Head.
- c) Warning letters will be accompanied by counselling in the event of students being absent for concerning lengths of time (in the case of overseas students this is where absences occur of five consecutive unapproved days or where the student is approaching absence of 20% of mandatory 80% course attendance). Such counselling will be organised by the Deputy Head and will involve conversation with the Director of Student Welfare. Minutes of such counselling will be retained as above.
- d) Ultimately will show when a student's attendance is failing to meet satisfactory attendance.
- e) Allow parents/guardians and student to be informed of this failure of attendance. In the cases of failing attendance the Deputy Head will, in discussion with the Director of Student Welfare, notify the student in writing of the School's intention to report the student for not achieving satisfactory attendance. The written notice will inform the student that he/she is able to access the School's complaint/appeals process (within 20 working days) as outlined in the School's Assessment Manuals. Where the appeal process is not accessed, or where it is found to have failed, the School will as soon as practicable, notify the student, the parents/guardian and the Secretary of DEEWR through PRISMS that the student is not achieving satisfactory attendance.

For ELICOS and schools courses the School may decide not to report students for breaching the 80% mandatory attendance requirement but only where:

- The student produces documentation demonstrating clearly that compassionate or compelling circumstances apply (eg. medical certificates, etc.)
- The decision is consistent with documented attendance policies and procedures
- The School confirms that the student is attending at least 70% of the scheduled course contact hours for each course in which he/she is enrolled



- f) Deferment provisions:-
- i) The School can only defer or temporarily suspend the enrolment of a student on the grounds of:
    - Compassionate or compelling circumstances (eg. illness and medical certificate OR
    - Misbehaviour of a student (see Student Welfare Policy, Student Bullying and Harassment Policy)
  - ii) In such cases the School (through the Deputy Head) will inform the student that deferring, suspending or cancelling his/her enrolment may affect his/her student visa and –
    - Notify the Secretary of DEEWR via PRISMS (as required under Section 9 of the ESOS Act where said enrolment is deferred, suspended and cancelled)
  - i) The School, through the Deputy Head, will inform the student of its intention to suspend or cancel the student's enrolment where the suspension or cancellation is not initiated by the student and notify the student that he/she has 20 working days to access the schools complaints/appeals system. If the student so accesses the system the suspension or cancellation of the student's enrolment under this cannot take place until the internal process is completed (unless extenuating circumstances relating to the student's welfare apply).
- g) All letters are issued by the Deputy Head of the School in conference with the Headmaster and Director of Student Welfare.