

Cape Byron Rudolf Steiner School Inc.

GRIEVANCE RESOLUTION POLICY AND PROCEDURES

Introduction

Cape Byron Rudolf 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. The Grievance Procedure adopted by the School is based on Natural Justice, which allows all parties to be heard and to hear claims being made.

What is a grievance?

A grievance is an expression by an individual or group of dissatisfaction with their treatment by others.

Why lodge a grievance?

Lodging a grievance is a formal feedback mechanism which seeks resolution of a problematic situation. Many problems can be resolved in an informal manner. Efforts to resolve a problem should precede the lodgement of a grievance.

Summary of appropriate action (refer Figure 1 for further assistance)

- **If you or your child has a concern regarding your child's education:**
 - Step 1:** Contact your child's teacher and ask to meet together to resolve the matter. If you are uncomfortable with meeting a teacher, a support person is welcome to attend.
 - Step 2:** If the matter is not resolved to your satisfaction, write to or phone or make an appointment with the *Principal* who will take further steps to enable resolution to be reached. If you choose to meet with the *Principal* a report will be written with her/his help and signed by you. The *Principal* will notify *College* that there is a grievance and that a meeting is being convened between the teacher and a support person and the aggrieved party and a support person. Details of the grievance and aggrieved parties will be kept confidential. Before writing you should read the *CBRSS Inc. Grievance Resolution Policy and Procedures* and if necessary seek the guidance of the *Principal* in understanding the policy and following the correct steps.
 - Step 3:** If you believe the policies and procedures stated in this policy have not been followed you may write to the Secretary of the *School Council* with your concerns.

- **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:**
 - Step 1:** Contact the person that the concern relates to and ask to meet together to resolve the matter. If you are uncomfortable with meeting with the person, please contact either the *Principal* or the *Business Manager* depending on the nature of the concern.

Step 2: If the matter is not resolved to your satisfaction and relates to an educational matter, write to the *Principal* who will take further steps to enable resolution to be reached. If the matter is not resolved to your satisfaction and relates to an OH&S or Council decision or business matter, write to the Business Manager who will take further steps to enable resolution to be reached. Before writing you should read the *CBRSS Inc. Grievance Resolution Policy and Procedures* and if necessary seek the guidance of the *Principal* in understanding the policy and following the correct steps.

Step 3: If you believe the policies and procedures stated in this policy have not been followed you may write to the Secretary of the School *Council* with your concerns.

- **If you have a concern that involves the *Principal*, a *Council Member* or a decision or action of the *Council* or *Parents and Friends Association*:**

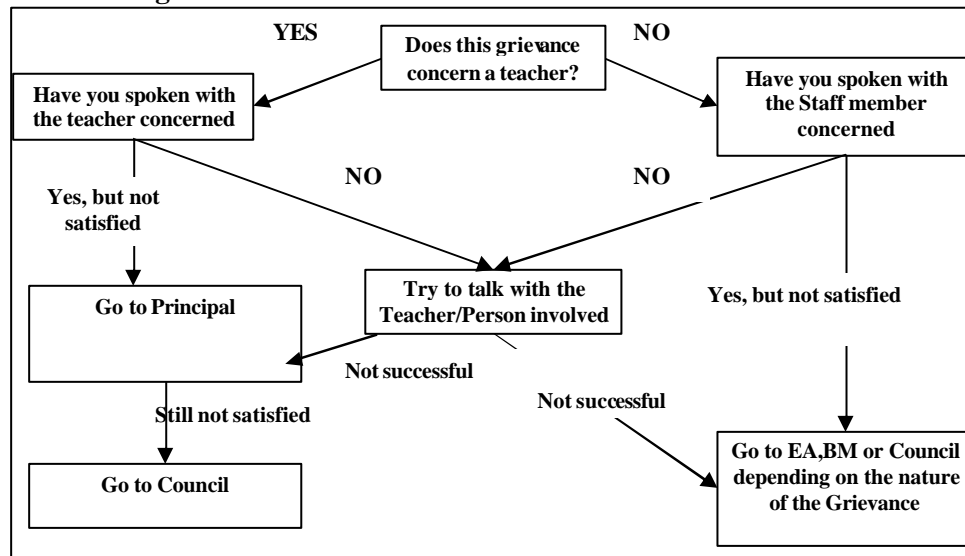
Step 1: Contact the person that the concern relates to and ask to meet together to resolve the matter. If you are uncomfortable with meeting the person/s involved, then a support person is welcome to attend.

Step 2: If the matter is not resolved to your satisfaction, write to the *Council* who will take further steps to enable resolution to be reached. Before writing you should read the *CBRSS Inc. Grievance Resolution Policy and Procedures* and if necessary seek the guidance of the *Secretary of the School Council* in understanding the policy and following the correct steps.

- **If your concern is of a more general nature** you may wish to bring it formally to the attention of the *Principal* (if it relates to the School) or the *Business Manager* who represents the Council. This should be done in writing. Clearly stating your concerns will enable prompt resolution.

- **In relation to all matters above, please kindly ensure that when a grievance is put in writing that the letter is signed and dated by the aggrieved party.**

Figure 1 – Where to lodge a Grievance



CBRSS Inc. GRIEVANCE RESOLUTION POLICY AND PROCEDURES

1. PURPOSE

To provide processes for the effective management and resolution of concerns, disagreements or difficulties within the *Cape Byron Rudolf Steiner School Inc. (CBRSS Inc.)* and its sponsored services eg the *Cape Byron Rudolf Steiner School*

CBRSS Inc. is often referred to as *The Association or the 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 *CBRSS Inc.* and its members
- 2) All staff of the *Cape Byron Rudolf Steiner School Inc. (CBRSS Inc.)*, *Council* and its sponsored services, including contractors and temporary, casual and volunteer staff
- 3) Clients of the Association and its sponsored services (eg children and parents of the School)

Advice in relation to these policies and procedures is available from the *Principal, Business Manager or Chairperson* of the *CBRSS Inc.*

3. APPLICATION

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.

3.1 Stage 1 - Action Prior to Lodging a Formal Grievance

- 3.1.1 A disagreement or difficulty may arise from a range of issues, including teaching and learning decisions, management decisions, dissatisfaction with the way policies are implemented or unhappiness with the workplace behaviour of staff members.
- 3.1.2 *The aggrieved party* is encouraged to deal appropriately and as quickly as possible with disagreements or concerns in order that difficulties may be resolved effectively.
- 3.1.3 Where appropriate, *the aggrieved party* should seek to resolve a difficulty themselves, by communicating with any other persons concerned in terms of

the nature of the difficulty and attempt to negotiate an agreeable outcome together.

3.1.4 If *the aggrieved party* believes that the grievance has not or cannot be resolved without assistance they should proceed to the formal grievance procedure (Stage 2 or 3)

3.1.5 The aggrieved party is encouraged to communicate with the *Principal* (if the concern relates to the School), Business Manager (if the concern relates to an OH&S or business matter – refer Appendix 1) or the *Chairperson, CBRSS Inc.*, to seek advice and assistance in relation to the effective resolution of conflicts or disagreements, including the possible application of the grievance procedure.

3.2 Stage 2 - Lodging a Formal Grievance with a service (e g the School)

3.2.1 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.

The aggrieved party should move immediately to stage 3 if the concern involves:

- 1) An action within the *CBRSS Inc.* and its *Council and/or College of Teachers*, because it is unfair and/or unreasonable. An example would an OH&S incident written by the employee and not actioned by the employer.
- 2) The conduct of a *Council Member and/or College of Teachers Member* in relation to their role because it is unfair and/or unreasonable
- 3) The conduct of a *Principal or Business Manager* and *the aggrieved party* believes that they need the support of a formal grievance process to resolve the issue
- 4) An OH&S matter, it will immediately go to the Council. Refer Appendix 1 for a definition of OH&S issues.

3.2.2 A formal grievance must be lodged to the *Principal* in a written format or by meeting with the Principal and with his/her assistance writing a report and specifying:

- 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.

3.2.3 The *Principal* will promptly acknowledge a grievance within 24 hours of its receipt by the School office. In the absence of the Principal, then the Business Manager will acknowledge the grievance within 48 hours.

3.2.4 The *Principal* 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 (eg 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; and/or
- Conducting an investigation; and/or
- Conducting mediation or conciliation; and/or

- Engaging in negotiations;
- 3.2.5 The *Principal* 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.
- 3.2.6 The *Principal* 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 and findings and decisions taken.
- 3.2.7 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.
- 3.2.8 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.
- 3.2.9 At the end of each month a table of all unresolved grievances will be presented to the College and Council by the Principal. The Principal 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 Formal Grievance with the *CBRSS Inc. Council*

- 3.3.1 A formal grievance may be lodged by *the aggrieved party* if they have an honest belief based on reasonable grounds, that they have been adversely affected by one or more of the following:
- 1) That due process was not followed in Stage 2 of a grievance lodged with a sponsored service eg. *Cape Byron Rudolf Steiner School*
 - 2) The actions of staff directly responsible to the *CBRSS Inc.* (eg a *Principal or Business Manager*) because the action is unfair and/or unreasonable and *the aggrieved party* believes that they need the support of a formal grievance process to resolve the issue
 - 3) An action within the *CBRSS Inc.* and its *Council*, because it is unfair and/or unreasonable
 - 4) The conduct of a *Council Member* in relation to their role because it is unfair and/or unreasonable
- 3.3.2 A formal grievance must be lodged to the *Secretary* of the *CBRSS Inc Association*. 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.
- 3.3.3 The *CBRSS Inc.* will promptly acknowledge a grievance within 3 working days of its receipt by the *Secretary*.
- 3.3.4 The *CBRSS Inc.* 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;
- 3.3.5** 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.
- 3.3.6** Depending upon the nature of the grievance and the actions taken, the *Council* will nominate or co-opt an independent person which 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*.
- 3.3.7** 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*.
- 3.3.8** 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 and findings and decisions taken.
- 3.3.9** 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.
- 3.3.10** 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

- 3.4.1** 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.
- 3.4.2** 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.
- 3.4.3** 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.
- 3.4.4** 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 Principal 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 Principal

3.4.5 The *Principal, Business Manager* and/or the *Council* **will ensure** that *the aggrieved party* (parent, student, staff, and 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.

3.4.6 3.4.6

4. RELATED POLICIES

- Staff Handbook
- Enrolment Policy
- Teacher Evaluation Policy
- Staff Code of Conduct
- Council Code of Conduct
- Student Code of Conduct

5. APPROVAL

This policy replaces the Grievance Policy and Procedure document in the Staff Handbook of May 2002.

The effectiveness of this policy and procedures will be assessed in July 2007 as required and amended if necessary to reflect the needs of the *CBRSS Inc.*

Jeremiah O'Toole (*Chairperson of the Council*)
Ratified at Council Meeting
Friday December 8th 2006.

Appendix 1

The Employer at Cape Byron Rudolf Steiner School Inc is the School Council and as part of their legal duties, they have to comply with the Occupational Health and Safety Act 2000 No 40 which states that the employer duties include:

8 Duties of employers

(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.