



Overseas Students' Grievance Policy and Procedure

1.0 POLICY

The purpose of this policy is to provide a clear and fair process for members of the Launceston Church Grammar School community to raise a grievance and to identify the people and process responsible for addressing the grievance. Information is presented under the following headings and pages:

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INTRODUCTION

This policy document is a modified version of the Launceston Church Grammar School's Grievance Policy and Procedure document and will be discussed with overseas students as part of their orientation programme.

1.1 OVERVIEW OF PRINCIPLES

The Launceston Church Grammar School believes that individuals should feel safe to express their points of view openly, honestly and constructively, working together for the common good.

From time to time concerns regarding educational, behavioural or school environment issues may arise.

For this reason Launceston Church Grammar School has developed a set of procedures to work through unresolved situations, or where an action or decision is considered to be unfair or inappropriate.

1.2 GENERAL STATEMENTS

This grievance procedure provides guidelines for raising an unresolved issue or complaint and having it considered seriously. It is essential, therefore, that before the process begins all parties participating are familiar with the process.

Informal resolution of a grievance is encouraged and is always the preferred option. This is reached when the outcome is satisfactory to

all. The formal process is set in motion where the informal process reaches an unsatisfactory outcome.

The grievance procedure may not result in a change to, or reversal of, a decision or action. Sometimes it may be an understanding to follow or improve guidelines or procedures in the future.

1.3 SCOPE

This policy applies to all individuals participating in the school environment; including students, parents or carers / guardians, members of staff, and other members of the general community who interact with the school.

This policy should also be read in conjunction with the School's policies on harassment and bullying.

1.4 GENERAL GUIDELINES

1.4.1 *Raise issues directly*

Raising the issue directly, and as soon as possible, with the person concerned will assist its early resolution. It is in the best interests of all parties to have these issues resolved amicably and as quickly as possible.

Try to discuss the issue in a cordial way with the person/s involved before involving others.

1.4.2 *Mutual respect by parties for each other*

Communication should be open and honest, focusing on the issue and not the person. Separate the personal from the grievance related issues, as each requires a different approach.

This includes listening carefully and respectfully while the other person is talking, and exercising responsibility and mutual respect; respect by staff for students and their special relationships with their children; respect by parents for staff as professionals.

1.4.3 *Grievances involving students*

When an issue is discussed in the student's presence, it is important that the student understands that you have confidence that the issue will be resolved confidentially at the school level.

Confidentiality must be maintained through all stages of the process.

1.4.5 Seeking a positive outcome

Constructive conflict helps everyone learn, grow and change for the better. Where both parties agree to seek a positive resolution, positive outcomes are likely to result.

1.5 PUBLICATION OF THIS DOCUMENT

Launceston Church Grammar School is committed to ensuring its policies and procedures are published, available and widely known to all members of the school community.

Authorised copies of this policy and procedure will be made available to individuals who require one. The document is available in various ways:

- a) For students and parents, the policy is accessible from the School website: <http://www.lcgs.tas.edu.au/school-policies>
- b) For employees, a full copy of the document is contained in the staff handbook and the Launceston Church Grammar School intranet.
- c) For the general community, a printed copy of the document will be made available to those individuals who have reason to request a copy.
- d) For the complainant/s and the respondent/s, Grievance Officers will ensure that all parties to a grievance receive or are informed of where to locate a copy of the policy and procedure, at the time of making or responding to a grievance.

1.6 TRAINING FOR GRIEVANCE OFFICERS

School appointed Grievance Officers will undertake suitable training to enable them to perform their roles.

The Human Resources Manager will facilitate the arrangements for training, in consultation with the Grievance Officers.

2.0 DEFINITIONS

2.1 GRIEVANCE

A grievance may be defined as an expression of dissatisfaction about a particular situation. It may result from an action, omission, situation or decision which is perceived to be unfair, unjustified or a violation of rights.

There are two fundamental types of grievances:

- a) Behaviour that does not contravene any laws, legislation or common law – for example interpersonal conflict, inappropriate behaviour or inconsistent application of policy or guidelines.
- b) Potentially unlawful behaviour – for example discrimination or harassment on grounds prohibited by anti-discrimination legislation or a potential breach of health and safety legislation.

2.2 COMPLAINANT/S

For the purpose of this policy, a complainant/s is defined as an individual or individuals who raise a grievance.

2.3 RESPONDENT/S

For the purpose of this policy a respondent/s is defined as an individual or individuals against whom a grievance has been raised.

2.4 GRIEVANCE OFFICER

A Grievance Officer is an impartial person/s appointed by the School to assist complainant/s and respondent/s with the grievance process.

2.5 PARTY

For the purpose of this policy, a party refers to all people associated with a grievance including the complainant/s and respondent/s.

2.6 NATURAL JUSTICE

Natural justice refers to a set of principles that describe general procedural fairness in the handling of a grievance. Natural justice involves the following elements:

- a) The right to receive a fair hearing
- b) The right to attend hearings with a friend or support person, if required
- c) The opportunity for all parties involved to be heard
- d) The respondent/s having full knowledge of the nature and substance of the grievance
- e) The complainant/s not determining the outcome, but may be party to it
- f) The right to an independent, unbiased decision-maker
- g) A final decision that is based solely on the relevant advice

2.7 SENIOR MANAGEMENT

Senior Management of Launceston Church Grammar School refers to the Headmaster, Head of Senior School, Head of Junior School, Pastoral Dean, , Academic Dean, Dean of Staff, Head of Boarding, Business Manager, Human Resources Manager, Community Relations & Marketing Manager, Development Manager and Director of ICT. This list will be updated annually.

2.8 SUPERVISOR

With reference to employees of Launceston Church Grammar School, a supervisor refers to the position to which a member of staff directly reports.

2.9 NEGOTIATION

Negotiation refers to the process of complainant/s and respondent/s resolving issues by mutual discussion with the intent of reaching an agreement.

2.9 MEDIATION

Mediation refers to the informal process of settling grievances between two parties, by mutual agreement to appoint an independent third party to listen to and guide the parties through the grievance process. A mediator has no decision making powers and will encourage the parties to reach their own mutually acceptable outcome. Failing mediation, conciliation may be required.

2.10 CONCILIATION

Like mediation, conciliation refers to the informal process of settling grievances between two parties by mutual agreement to appoint an independent third party to listen to and guide the parties through the grievance process. Typically it is not the role of a conciliator to resolve the issue, however if a resolution can not be reached a conciliator may recommend to the parties that they seek arbitration to resolve the issue.

2.11 ARBITRATION

Arbitration refers to the formal process of settling grievances between two parties by an impartial third party, whose decision the contending parties agree to accept. An arbitrator may also be independent of the school for example resolution through the legal system or Ombudsman. Arbitration is typically the last course of action after all other avenues have been exhausted.

3.0 GRIEVANCE RESOLUTION PROCEDURES

The following describes the procedures for resolving grievances. Please refer in the first instance to the "Recommended Process for Resolving Grievances Flowchart" accessible on the School website: <http://www.lcgs.tas.edu.au/school-policies> or in hard copy on request from the International Students Coordinator or the Deans' Office.

Further to this Appendix 1 contains a matrix summarising the various responses available for complainant/s and respondent's as categorised by their involvement in the school community. There are several options for resolution, both informal and formal:

3.1 INFORMAL RESPONSES

Informal responses are consensual processes where the control and resolution of the grievance lies with the parties directly involved in the grievance. Informally parties may choose to self manage the issue through negotiation, involve a grievance officer or engage the assistance of a mediator. Informal resolution might occur as a stand alone response or as a combination of responses.

Launceston Church Grammar School will maintain the student's enrolment throughout the internal appeals process for all types of complaints or appeals.

3.1.1 Self Management of the Grievance by Negotiation

This is the preferred option to resolve any grievance. The most immediate people are involved, typically the complainant/s with the grievance and the respondent/s who made the decision or action that resulted in the complainant/'s grievance. Parties should discuss the grievance in the attempt to:

- a) Clarify the issues
- b) Examine all the facts involved
- c) Understand each other's point of view
- d) Resolve the grievance through reaching an outcome that is acceptable to both / all parties.

During self management of the grievance, both parties can assist in reaching a mutually satisfying outcome by applying the General Guidelines outlined in section 1.4 of this policy.

The parties should try to reach some sort of compromise through negotiation, where an agreed outcome is reached. If differences of opinion are profound or if the conflict is advanced mediation, conciliation and / or arbitration may be required.

The agreed outcome should be documented and monitored to ensure the resolution is working. The complainant/s and respondent/s should keep their own diary notes on the resolution process and outcome. It is the responsibility of the parties involved to determine how the monitoring will occur and the timeframe for implementation of outcomes.

3.1.2 *Grievance officer involvement*

A complainant/s may not feel comfortable discussing their concern with the respondent/s initially; they may prefer to discuss their concern with the **Overseas Students' Co-ordinator**. The Overseas students' Co-ordinator may liaise with staff, the **Pastoral Dean (pastoral matters) or the Academic Dean (academic matters)**.

If resolution of the issue cannot be attained the student will be referred to the Grievance Officer at which time students complete the "Grievance Form – Senior Campus"

It is not the role of the Grievance Officer to resolve the issue. The Grievance Officer's role is to provide support, listen to the issues and assist the complainant/s or respondent/s with identification of options for resolution.

Overseas students will be advised that Launceston Church Grammar School will provide an appropriate adult, on request, to support a student through any informal complaints and appeals process. Such provision is to:

- care for the emotional well being of the student and;
- facilitate clear verbal communication.

While the grievance is being managed through the informal processes, parties involved should maintain their own diary notes of the discussions. Agreed outcomes should be documented and monitored to ensure the resolution is working. It is the

responsibility of the parties involved to determine how the monitoring will occur and the timeframe for implementation of outcomes.

3.1.3 Mediation

A complainant/s may choose mediation as their preferred method of resolution. This might be a suitable response following self management, where resolution has been attempted and deemed to be unsuccessful.

For mediation to be successful, both parties need to have a genuine willingness to resolve the grievance.

Overseas students will be advised that Launceston Church Grammar School will provide on request, an external adult mediator to support a student through mediation as a preferred method of resolution.

The process remains consensual but involves an impartial third party, in the form of a Mediator who assists the parties towards an agreement through the identification of issues, generation of options and consideration of alternatives.

The nominated Mediator should be experienced in mediation techniques and be respected and agreed to by all parties.

The Mediator does not impose decisions. If the parties are unable to agree to an outcome, the person with the grievance may consider using one of the formal responses for resolution of the issue.

If a resolution is reached through the mediation process, it must be endorsed by all parties involved before it is implemented. For example the resolution may require the involvement of others in the school community who have not been party to the grievance but whose support is required to affect the resolution.

All parties involved should keep their own diary notes on the discussions held. Agreed outcomes must be documented and monitored to ensure the resolution is working. It is the responsibility of the parties involved to determine how the monitoring will occur and the timeframe for implementation of outcomes.

If the overseas student is not satisfied with the result or conduct of the internal complaint handling process, Launceston Church Grammar School will advise the student of the ***formal appeals*** options. These options will be provided at minimal or no cost to the student.

3.2 FORMAL RESPONSES

Formal responses are processes where the control and resolution of the grievance lies with the formal mechanism selected. There are internal and external formal responses available.

Formal responses are usually the next step where the parties involved have attempted one or more of the informal processes and have not been able to resolve the grievance. The formal responses include management involvement or referral to external parties.

Overseas students will be advised that Launceston Church Grammar School will provide an appropriate adult, on request, to support a student through any formal complaints and appeals process. Such provision is to:

- care for the emotional well being of the student
- facilitate clear verbal and written communication and;
- enable a student to be aware of the processes to be followed and to assist the student with answers or questions as to the process.

3.2.1 Management involvement, conciliation and arbitration

When a grievance is notified through formal mechanisms, the complainant/s must contact a member of Senior Management. Within 24 hours the Senior Manager will notify the appropriate school appointed Grievance Officer as listed below:

- a) For matters involving students, the Head of Campus Senior School or Junior School
- b) For matters involving parents, the Head of Campus Senior or Junior School
- c) For matters involving the general community, the Head of Campus Senior School or Junior School
- d) For matters involving the Head Master, the Head of Campus Senior School or Junior School

The Grievance Officer will then ensure the formal grievance resolution procedure is applied within **ten working days** of being notified of the grievance.

An investigation of the complainant/s concerns will then be commenced and the Grievance Officer will hold discussions with the complainant/s, respondent/s, any witnesses and other individuals deemed appropriate to consult; with the view to reaching a successful outcome. Some examples of additional people that might be consulted include:

- a) For matters involving students, the Senior School student's tutor or Head of House, the Junior School student's form teacher, the Academic Dean or the Pastoral Dean
- b) For matters involving parents, the Head of Campus Senior School or Junior School
- c) For matters involving the general community, members of Senior Management or the Headmaster

All discussions held will be in accordance with the Principles of Natural Justice as outlined in section 2.6 of this document.

The Grievance Officer will determine if the grievance is justified and if agreed by the parties, conciliate the matter to reach an outcome.

Appropriate records will be kept and secured. The outcome will be documented by the Grievance Officer and monitored to

ensure successful implementation. The Grievance Officer will inform the Headmaster of the outcome.

Launceston Church Grammar School will provide an overseas student a written statement on the outcome of the complaints and appeals process including reasons for that outcome.

- Overseas students will be advised that Launceston Church Grammar School will provide an appropriate adult, on request, to explain any written communication relating to any formal complaints and appeals process.

Should the issue remain unresolved, the Grievance Officer may suggest referral of the matter to the Headmaster for Arbitration. This should be the last response after all other mechanisms have been tried and proven to be unsuccessful.

Once referred to the Headmaster for Arbitration, the Grievance Officer will supply all documentation collated for revision. The Headmaster may choose to conduct further discussions with the parties involved and will arbitrate on the matter within **five working days** of referral from the Grievance Officer.

Launceston Church Grammar School will maintain the student's enrolment throughout the internal appeals process for all types of complaints or appeals.

The Overseas Students Ombudsman (OSO) investigates complaints about problems that overseas students or intending overseas students may have with private education and training in Australia. The legal basis for the Ombudsman role is the *Education Services for Overseas Students (ESOS) Legislation Amendment Act 2011*, passed by the Australian Parliament on 21st March 2011. The OSO can be contacted by email at ombudsman@ombudsman.gov.au

In addition, with effect from 2004, an external mediator has been appointed to work with our international students. A student may also nominate someone to accompany them at any dispute resolution if the student so chooses. Further details are obtainable from the International Students ' Coordinator.

3.2.2 Referral to external parties

Ideally all grievances should be able to be resolved through the informal and formal responses provided for by Launceston Church Grammar School as described in this policy and procedure.

The School acknowledges that this may not always be achievable and that resolution of issues may require referral to external parties. Aggrieved parties might seek ultimate recourse in many ways.

Some examples include:

- a) Legal processes
- b) The Ombudsman
- c) The Launceston Church Grammar School Board
- d) Educational Peak bodies including the Australian Heads of Independent Schools Association (AHISA) and Association of Independent Schools Tasmania (AIST)

Students can contact the Department of Education and Training:

Phone: 1 300 615 262

Online: ESOS Online Enquiry Form

The School remains committed to the successful resolution of issues before recourse to external parties.

Please see Appendices 2, 3 and 4 for flowcharts illustrating the grievance resolution process.

3.2.3 Feedback to complainant

If the outcome of a student's appeal through internal or external processes is favourable to the student, Launceston Church Grammar School will immediately advise the student of this and

implement any decision and/or corrective and preventative action required.

3.3 GUIDELINES FOR SPECIAL GRIEVANCES

There are a few issues that may result in a formal grievance, that have alternative mechanisms in place for their resolution and therefore fall out of the scope of this document.

3.3.1 Occupational health and safety issues

If a formal grievance has arisen over an occupational health and safety related issue, the Workplace Health and Safety Act 1995 Tasmania is to be consulted for appropriate procedures to be maintained while the issue is being addressed. Assistance may be sought from appropriate external bodies for example Workplace Standards Tasmania.

3.3.2 Formal responses related to issues concerning the Headmaster

As the employer of the Headmaster, The Launceston Church Grammar School Board is responsible for the development and maintenance of a Grievance Policy and Procedure for formal issues relating to the Headmaster. Informally these issues will be managed by the School's policy and procedure.

4.0 GUIDELINES FOR RECORD KEEPING

For many reasons it is important that accurate records are kept of the grievance resolution process and the associated outcomes. For example record keeping assists parties to:

- 3.3 Recall discussions held
- 3.4 Record the outcomes
- 3.5 Assists with monitoring the implementation of outcomes
- 3.6 Provides a paper trail should a grievance require formal resolution

The nature of the documentation to be collected and retained will depend on the level of formality of the grievance.

4.1 RECORDS OF INFORMAL RESPONSES

Where informal measures have been used to resolve a grievance, typically limited records are collected. For example where an individual has resolved a grievance themselves after receiving advice from a Grievance Officer, then diary notes kept by the complainant/s and the Grievance Officer are an acceptable form of record keeping.

There are several competing considerations. A record of the resolution is important to enable follow-up, thus ensuring that the situation has been effectively resolved. However, information provided to a Grievance Officer will be highly sensitive and may involve allegations against a particular individual.

Typically an investigation does not occur if an informal response has been used to resolve an issue; therefore the allegations are likely to remain untested. Consequently it is inappropriate to keep potentially damaging records containing unsubstantiated comments against an individual, particularly if they have no knowledge that the record exists and have not been given the opportunity to refute it. In these situations it is best to omit the name/s of the respondent/s from any records kept.

If a Grievance Officer has taken informal action on an individual's behalf, a brief diary entry noting the issue and the action taken should suffice. If the grievance subsequently becomes formalised, the diary note can be used to demonstrate that steps were taken to deal with the matter when it was first raised.

4.2 RECORDS OF FORMAL RESPONSES

Where formal measures have been taken to resolve an issue, the documentation collected is likely to be substantial and will include statements provided by the parties, records of discussions held, personal notes and reports. All this information will be highly sensitive and strict guidelines are required to ensure that it is kept confidential and is not used for improper purposes.

Grievance Officers will need to document discussions held with the complainant/s and respondent/s and any witnesses. Records of discussions held should contain as much relevant, factual information as possible – times, dates, and details of specific issues. It is desirable

that the complainant/s and respondent/s own words are used as far as possible.

The parties to a grievance and any witnesses should be given the opportunity to peruse, correct and endorse their own discussion records. The parties should also be provided with a copy of records pertaining to them, if requested.

Copies of records of grievances involving employees, where formal responses have been used, should be kept on the personnel files of the employees involved.

Once a grievance has been finalised, records will need to be retained for a reasonable amount of time, in case the matter is subsequently referred to an external party. The School will determine the appropriate length of time on a case by case basis.

4.3 SECURITY

Grievance records will invariably contain highly sensitive and potentially damaging personal information. It is therefore imperative that they are protected by reasonable security safeguards. For example any files or reports associated with the grievance should be kept in locked storage.

Access should be restricted to authorised personnel only. Records should not be placed on general or open access files, it might be better to avoid this scenario.

Care should be taken when using technologies such as e-mail or facsimiles to ensure that information is not inadvertently transmitted to a wider audience.

APPENDIX 1: GRIEVANCE RESOLUTION MATRIX

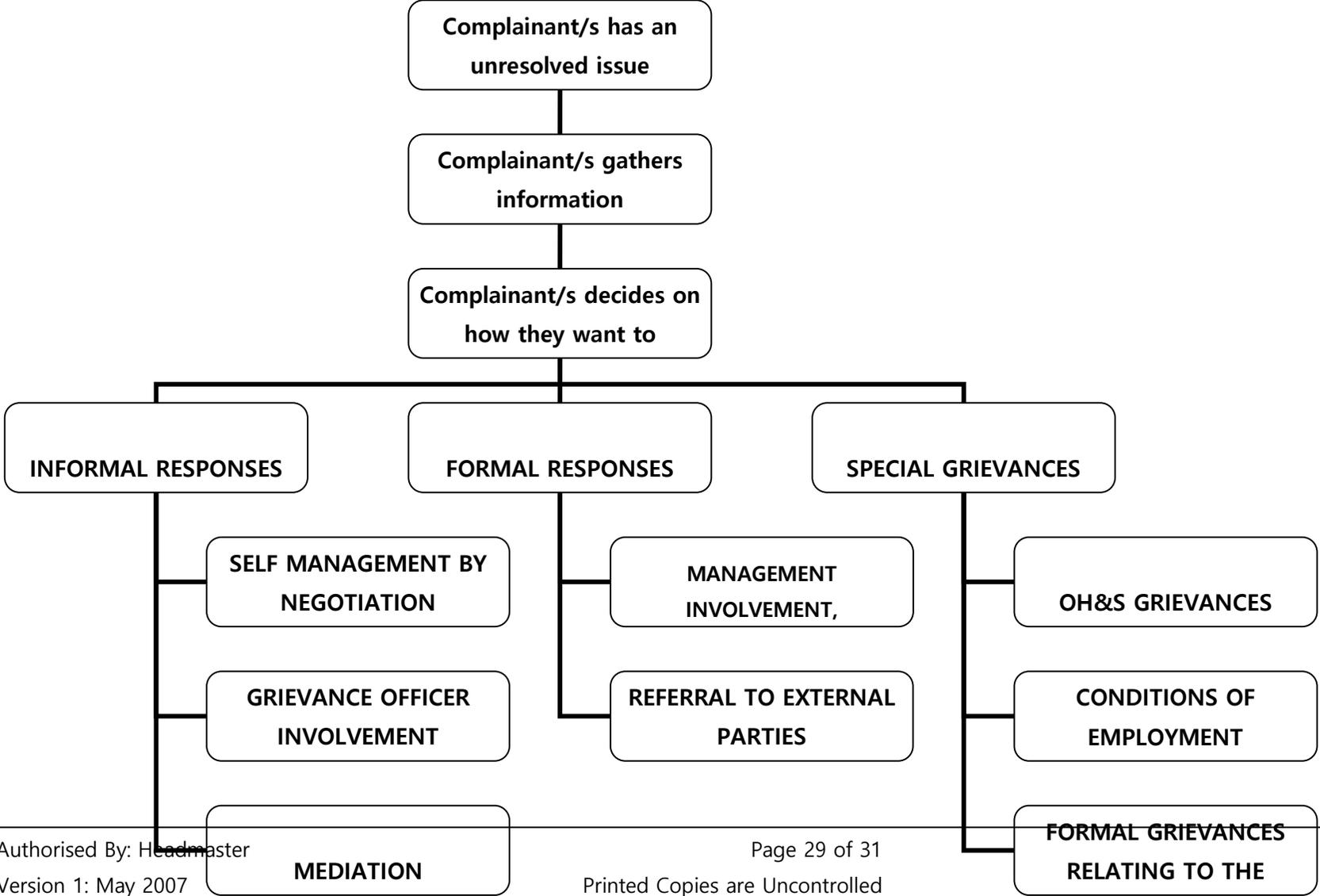
This matrix summarises the various responses available for complainant/s and respondent/s as categorised by their involvement in the school community.

Grievance		Respondent/s				
		Employees	Students	Parents	General Community	Headmaster
Complainant/s	Employees	✓ Informal ✓ Formal	✓ Informal ✓ Formal	✓ Informal ✓ Formal	✓ Informal ✓ Formal	✓ Informal ✓ Formal
	Students	✓ Informal ✓ Formal	✓ Informal ✓ Formal	Not Within the Scope of this Document	Student Code of Behaviour	✓ Informal ✓ Formal
	Parents	✓ Informal ✓ Formal	Not Within the Scope of this Document	Not Within the Scope of this Document	Not Within the Scope of this Document	✓ Informal ✓ Formal

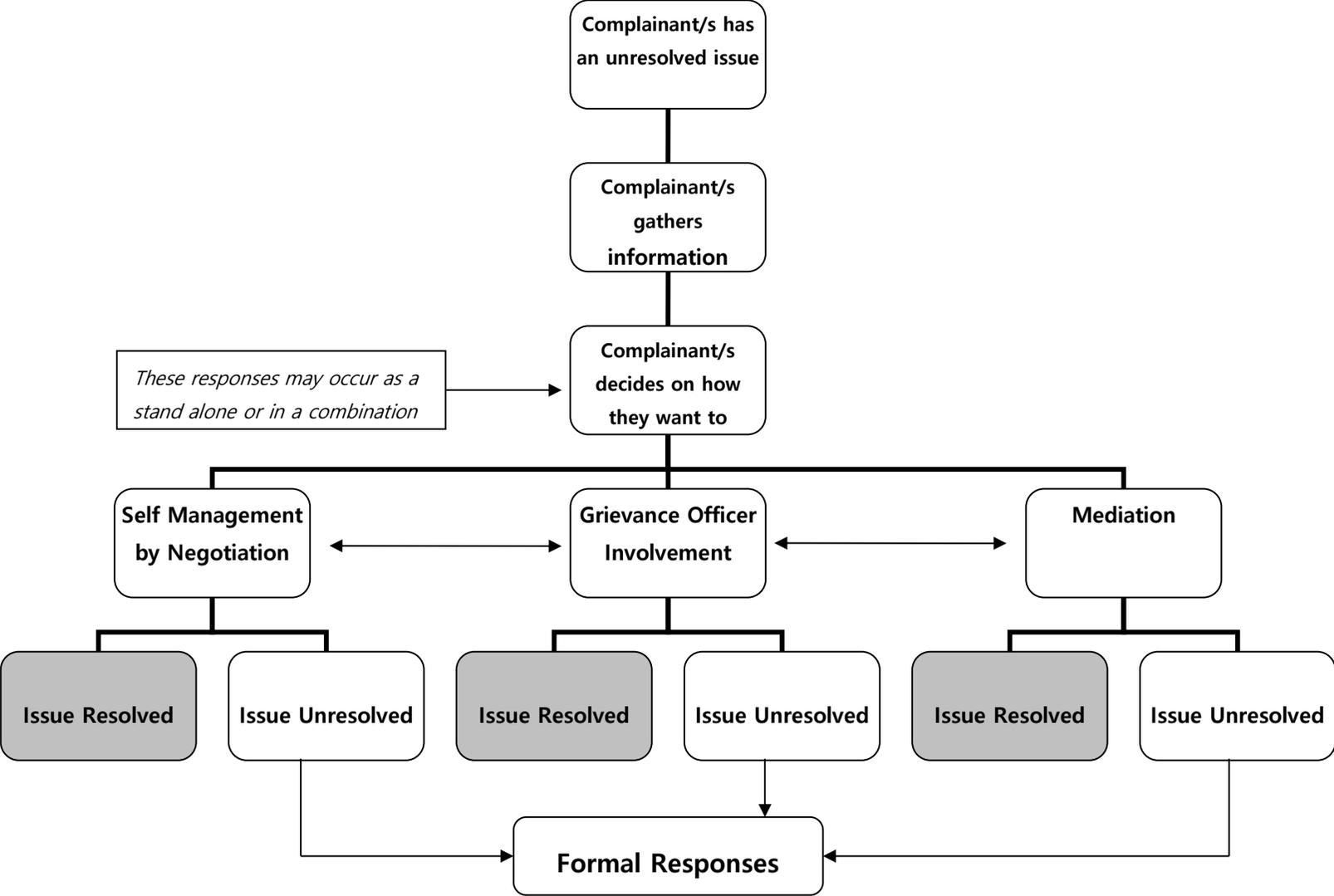
APPENDIX 1: GRIEVANCE RESOLUTION MATRIX

	General Community	✓ Informal ✓ Formal	Student Code of Behaviour	Not Within the Scope of this Document	Not Within the Scope of this Document	✓ Informal ✓ Formal
	Headmaster	✓ Informal ✓ Formal	✓ Informal ✓ Formal	✓ Informal ✓ Formal	✓ Informal ✓ Formal	Not Applicable

APPENDIX 2: GRIEVANCE RESPONSES FLOWCHART



APPENDIX 3: INFORMAL RESPONSES FLOWCHART



APPENDIX 4: FORMAL RESPONSES FLOWCHART

