



GRIEVANCE AND COMPLAINTS POLICY

1 RATIONALE

Minaret College (the **College**) aims to create a harmonious and productive environment where a three- way partnership between parents, staff and students is cultivated and nurtured. The core business of the College is conducted through relationships; therefore, a high value is placed on maintaining and protecting relationships within the College community. The College affirms the dignity and value of all peoples and seeks to conduct all matters in a way that respects and cares for people and avoids conflict.

The intention of the College is to provide a professional, safe and nurturing atmosphere such that all feel safe to express their point of view openly, honestly and caringly, however, just as any environment, there also exists a potential for grievances and tension to arise. The resolution of any school related grievance held by a member of a school community is vital to the well-being and success of the school and its students.

Minaret College is open to receiving concerns and complaints with the view to improving the services provided and protecting the well-being of our students.

General complaints will be handled under the Guidelines section of this policy.

Bullying complaints or concerns will formally investigated as per the procedure outlined in this policy. The Bullying Prevention and Intervention Policy will also be considered for bullying related complaints.

Matters to do with child abuse encompassing physical, sexual or emotional in nature will be handled as outlined in the Commitment to Child Safety, Crimes Act and Mandatory Reporting policies.

It is Minaret College's intent that any complaint or grievance is managed and resolved fairly, efficiently in as timely a manner as possible and in accordance with relevant legislation. The guiding principles are to be humble and gentle, be patient, ensure discussions are open and constructive, bearing with one another in love and generous intention.

The College aims to provide a harmonious, positive and productive environment and supports the practices of dispute resolution and confidential mediation as a means to resolve issues. It will make every effort to keep the unity with one another through the bond of peace.

2 PURPOSE

The aim of the College's grievance procedure is to produce a solution, which is acceptable to the individuals involved and the College. Not all problems however, will be capable of resolution which satisfies all concerned. This grievance procedure will ensure that the problem is addressed and that a clear response is provided at each stage of the process. The procedure involves both formal and informal components.

3 DEFINITION AND SCOPE

This policy applies to the management of all grievances and complaints received by Minaret College.

A ***grievance*** is an expression of dissatisfaction made to the College, related to the conduct of College activities, or the resolution process itself, when the impacted individual/party perceives an action of decision has been taken (or not taken) which they believe to be of concern, unfair and/or causing conflict and a response is explicitly or implicitly expected

A ***complaint*** may be raised when the individual/party perceives the issue is high risk (e.g. highly confidential) or the consequence of the issue puts them or others in significant danger. Additionally, if a grievance is unsuccessfully resolved, the impacted individual/party may escalate the concern as a complaint.

The processes for addressing a grievance or complaint are both outlined as part of this policy. However, this policy does not address grievances or complaints relating to employment matters under industrial award or matters of child safety. If you have a concern about the safety of a child, please refer to the Child Safety Policy.

This Policy applies to all:

- a) Staff members;
- b) Students;
- c) Parents;
- d) Members of the community; and
- e) Contractors.

4 GUIDING PRINCIPLES FOR RESOLUTION

The grievance process provides guidelines for raising an unresolved issue or complaint and having it considered seriously.

It is essential that before the airing of a grievance begins all parties participating in the discussions must first have familiarised themselves with the Grievance Procedures below, in particular relevant principles and considerations.

The process encourages informal resolution of a grievance between all parties concerned – staff, students, parents, directors, members of the community and contractors - but also provides a structured, formal channel should it be required.

Where possible, grievances shall be dealt with locally and informally.

Anonymous grievances with no identifiable source will not be considered under this Policy.

Communication shall be open and honest, focusing on the issue and not the person. This includes listening carefully and respectfully while the person is talking, exercising responsibility and mutual respect (respect by employees for parents' special relationship with their children and respect by parents for employees as professionals). Parents must comply with the Parent Code of Conduct at all times when pursuing a grievance under this Policy.

When an issue is discussed in the students' presence, it is important that parents and students have confidence that the issue will be resolved confidentially at the College level.

The welfare of children at the College is paramount. Open criticism of any parties in a dispute does not support children's education. Criticisms of the College do not support the child's education as they undermine trust and confidence. To this end fair and open communication conducted within the procedures outlined in this Policy, ensures that the rights and responsibilities of all parties are respected and consensus achieved.

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

The process of raising and resolving a grievance, through both informal and formal procedures, should embody the following guidelines:

- a) Potential conflict should be dealt with and discussed as early as possible and people be encouraged to be positive rather than judgemental.
- b) The focus needs to be on the issues, rather than the people.
- c) Ensure that the appropriate person represents the conflict. It is the responsibility of the College leadership to contain issues to the appropriate people, and to see that others understand this.
- d) It must again be emphasised that there needs to be clarity as to the precise roles and responsibilities of people involved.
- e) All input/contributions are to be listened to respectfully and attentively by others in the process i.e. participants in the process require a sense of 'having been heard'.
- f) The College welcomes the airing of a grievance in a responsible and constructive manner, while abiding by the confidentiality obligations on both parties.

5 CONFIDENTIALITY

We are committed to creating a safe environment for all members in our community. The person hearing a grievance will maintain confidentiality as far as possible. However, it may be necessary to speak with other persons in order to determine what happened, to afford fairness to those against whom the complaint has been made, and to resolve the complaint. If a complaint is raised and it appears that unlawful conduct had potentially occurred, in order to uphold this policy, the College will need to take appropriate action in relation to the complaint.

The parties aware of the grievance or complaint and/or involved in the informal or formal complaint process, including the person who lodges the complaint or grievance are required to maintain confidentiality at all times. The parties must not disclose, by any form of communication, either the fact or the substance of the matter to anyone other than those directly involved in the grievance or complaint investigation or resolution.

Spreading rumours or gossip may expose individuals to a defamation claim. Individuals may discuss the complaint with a designated support person or representative. However, the support person or representative must also maintain confidentiality.

Any breach of either the confidentiality requirements will be treated seriously by the College, and may result in disciplinary action.

6 RESOLUTION TIMEFRAMES AND POTENTIAL OUTCOMES

Issues of grievance or complaint can be a stressful period for all involved and so the investigating staff member must proceed efficiently while still taking the necessary time to gain a full picture of the situation. Depending on the nature of the issue, the timeframes to resolve will vary.

It is therefore expected that at each point of the process a timeframe is given to those involved in the grievance/complaint and expected timeframes. If those impacted are unsatisfied with the timeframes, feedback should be provided. If unable to be resolved the party may choose to escalate to the next stage of the process.

Outcomes of either grievances or complaints will depend on the findings of the investigation. Course of action may include:

- a) Education/training
- b) Ongoing monitoring of situation/behaviour
- c) Counselling
- d) Change in College policy or procedure
- e) Mediation
- f) Written apology

If, during the investigation, a breach of policy is identified by any party, this will be managed according to the relevant policy.

7 ISLAMIC PERSPECTIVE

O ye who believe! stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety: and fear Allah. For Allah is well-acquainted with all that ye do. (5:8)

The College affirms the dignity and value of all people as Allah's creation; and seeks to conduct all matters in a way that pleases Allah (SWT) and cares for people. In the event of a dispute or conflict within the School, the process shall follow the principles set forth in Islam. Making peace and resolving a complaint or dispute is an Islamic duty; hence we should be careful not to harm others, as there is great reward for those who strive for peace and preserve brotherhood.

The believers are but a single brotherhood, so make peace and reconciliation between your two contending brothers; and fear Allah that you may receive mercy (49:10)

8 EXTERNAL BODIES

At any time, a student, parent/carer, staff or community member may choose to refer their concerns to an external body such as the Victorian Registration & Qualifications Authority (VRQA), the Victorian Human Rights and Equal Opportunity Commission, or the Victorian Institute of Teaching.

9 GRIEVANCE PROCEDURES

9.1 INTRODUCTION

The following section outlines the procedures expected to be followed for each student, parent, staff and community member. Where the impacted individual/party has dual roles (e.g. staff member *and* parent of a student), the process followed should be based on the nature of the concern. For example, a staff member who has concern regarding their child who is a student, the 'parent' procedure should be followed.

Prior to initiating the relevant procedure, it is expected that (where possible) an attempt has been made to bring resolution informally in accordance with the general principles outlined at item 4 above. Where that is not possible or has been unsuccessful the below relevant procedure should be followed.

In all grievance procedures a decision must be made as to if the concern requires formal investigation. Investigations may be commenced informally and later be formalised due to the nature of information which comes to light in the initial stages of investigation.

Formal investigation must be followed when either:

- a) The impacted individual/party requests a formal investigation
- b) At any stage during the investigation it appears there has been a breach of school policy and/or law.
- c) Details of the allegation, if proven accurate may lead to further action (eg. disciplinary action).

Note: Formalising an investigation does not predict an outcome of the investigation – it reflects the requirement to thoroughly investigate and document the investigation and outcome, regardless of outcome.

9.1.1 STUDENTS

Of priority is that students can raise a grievance with a staff member with whom they feel comfortable. The expectation is that students will raise concerns with their teacher or coach however if they do not feel comfortable to do so, the Student Wellbeing Specialist or Head of School would also be appropriate.

In summary:

- a) The student should approach either the teacher or coach:
 - The student should say what the problem is, i.e. say how they feel.
 - They should say what they would like him/her to do about it. If this is too difficult, they are encouraged to take a friend with them or speak to another trusted adult at the College as suggested above e.g. the Student Wellbeing Specialist or Head of School.
- b) The teacher may try to resolve the concern informally
 - The teacher may help students to try to reach an agreement with the other person where they both feel OK about the outcome.
- c) The coach may investigate informally or formally
- d) Some helpful hints for students
 - Don't talk about the person to others – talk directly to the person.
 - It is better not to talk while you are angry or in public.
 - Remember to search for the right words to say, for understanding and for the issue to be resolved.
 - All students have the right to question the assessment that the teacher has made of their work in assignments and tests. If they are not satisfied that the assessment was correct and accurate, they may:
 - a. Approach the teacher and ask for clarification;
 - b. Ask for a reassessment of the work by the teacher;
 - c. Ask the teacher to have the teacher in charge of that Learning Area (or another teacher) reassess the work; or
 - d. Accept the decision.
- e) Formal investigation will result in notification of the Head of School, Head of Campus and Executive Principal
- f) Formal investigation recommendations must be endorsed by the Head of School(or Head of Campus /Executive Principal if requested)
- g) Formal investigation outcomes will be communicated in writing to the student
- h) Record of formal investigation and outcomes will be held by the Head of School
- i) If the student is unsatisfied with the outcome, the issue may be escalated via the formal Complaint process (see relevant section in this document)

9.1.2 PARENT/CARER

Good relationships within school communities give children greater opportunities to succeed. It is natural that parents or community members at one time or another may have concerns about what happens at school. To maintain good relationships, grievances or conflicts should be resolved so that all parties achieve satisfactory results.

A parent/carer may raise personal concerns or concern on behalf of their child. To ensure that grievances can be dealt with in a timely and confidential way we ask parents/carers to email or phone call. Alternatively, a meeting time can be arranged. Meetings can be booked via reception.

In summary:

- a) The parent should approach the Head of School
- b) Let him/her know what subject they wish to discuss since this will facilitate the process. (This makes the most productive use of the time available --- when the Head of School is free to give parents his/her full attention). If parents consider that the issue which they have raised is still unresolved, it is important that they state this to the Head of School at the conclusion of the meeting.
- c) Based on the nature of the concern, the Head of School may investigate the issue or delegate to a suitable staff member (including Student Wellbeing Specialist, Curriculum Specialist, Coach, Deputy Head of School).
- d) The staff member will investigate informally or formally
- e) The Head of School will notify Head of Campus and Executive Principal if commencing formal investigation
- f) Formal investigation recommendations must be endorsed by the Head of School (or Head of Campus/Executive Principal if requested)
- g) Written outcome of a formal investigation will be provided
- h) Record of formal investigation and outcomes will be held by the Head of School
- i) If the parent is unsatisfied with the outcome the issue may be escalated via the formal Complaint process (see relevant section in this document)

9.1.3 STAFF

In any organisation conflict of a personal or professional nature may arise. Procedures to resolve conflict should reflect the Islamic ethos of the College. Staff need at all times to seek to resolve conflict and not contribute to it by gossip. The following guidelines will assist those who have a grievance.

Procedure - Personal Conflict

- a) Identify and clarify the issue, possibly discuss with another person.
- b) Discuss the issue with the person involved, stating the problem and seek a resolution through sharing of concerns. Preparedness to apologise if warranted is important.
- c) If the grievance remains unresolved, follow the process for professional conflict below to use appropriate support to resolve the grievance.

Procedure - Professional Conflict

- a) Identify and clarify the area of concern.
- b) discuss with the Head of School or Manager.
- c) If the staff member feels uncomfortable to raise the concern with their Head of School/Manager, the Head of Campus or Executive Principal is the alternate avenue for academic and operations staff respectively.
- d) Be prepared to state the area of concern and offer possible solutions.
- e) The receiver of the complaint will complete a formal or informal investigation based on the nature of the concern.

In summary:

- a) The staff member should approach the Head of School/Manager
- b) The grievance will be investigated informally or formally
- c) The Head of School will notify Head of Campus and Executive Principal if commencing formal investigation
- d) Formal investigation recommendations must be endorsed by the Head of School (or Head of Campus/Executive Principal if requested)
- e) Written outcome of a formal investigation will be provided
- f) Record of formal investigation and outcomes will be held by HR
- g) If the staff member is unsatisfied with the outcome the issue may be escalated via the formal Complaint process (see relevant section in this document)

Note: If a staff member would like advice or support the Staff Wellbeing Specialist is available however this role is not responsible for decision making or resolution. Resolution of issues can only be achieved by the above-mentioned grievance or complaint process.

10 FORMAL COMPLAINT PROCEDURES

A *complaint* may be raised when the individual/party perceives the issue is high risk (e.g. highly confidential) or the consequence of the issue puts them or others in significant danger. Concerns regarding bullying will be managed as a formal complaint under this process. Additionally, if a grievance is dealt with without successful resolution, the impacted individual/party may escalate as a complaint.

A written complaint can be submitted to the Executive Principal through the Colleges' reception.

Based on the nature of the complaint the Executive Principal will investigate or assign investigation to an appropriate member of staff – this may include being formally investigated via the grievance process.

An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Formal investigations will be conducted as quickly as possible to protect the interests of all parties involved.

The investigator will conduct the formal investigation in line with procedural fairness and make recommendations about resolving the complaint.

The investigator will meet formally with the person making the complaint (the complainant) and advise them of the process that will occur (outlining the steps in this procedure). Matters such as confidentiality and any adjustments that need to be considered to work arrangements on a temporary basis should also be canvassed. Written confirmation will be provided including a summary of the complaint being investigated and intended next steps.

If the grievance is established and disciplinary or corrective action is considered justifiable, the investigator in consultation with the Executive Principal as appropriate, shall determine an appropriate outcome.

The outcome (regardless of its nature) is to be communicated to the respondent in person and in writing. Depending on the nature of the issue, outcomes may be communicated by the Executive Principal or the Executive Principal's delegate.

The formal investigation will remain strictly confidential to the extent possible.

11 INFORMAL INVESTIGATION PROCEDURE

An informal investigation requires the investigator to understand and validate the concerns and provide an acceptable outcome to all parties. As the severity of the allegations are not as high, formal centralized documentation is not required. Without limiting the circumstances in which the informal complaint procedure may be implemented, the informal complaint procedure is suited to less serious allegations that do not warrant disciplinary action being taken.

There are various informal methods available to address complaints. It will be dependent on the specific circumstances of the case as to which method is appropriate.

Possible options may involve the investigator:

- a) discussing the issue with the person against whom the complaint is made; and/or
- b) facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

The investigator however is still expected to take notes throughout the process and archive them appropriately. If the issue escalates or repeats, notes from previous informal investigations may be called upon to complete a formal investigation.

12 FORMAL INVESTIGATION PROCEDURE (FOR BOTH GRIEVANCES AND COMPLAINTS)

For either a grievance or complaint, where a formal investigation procedure is to be followed, the below outlines the expectations of the appointed investigator:

- a) Review details of the initial grievance/complaint
- b) Plan an investigation outline – including who else should be interviewed as part of the investigation and what additional information may be required – review and amend the plan regularly as the investigation continues
- c) If required, appoint an appropriate support person to take notes during interviews/discussions. The appointed support person should not contribute within interviews however may be consulted by the appointed investigator for their views outside the investigation meetings
- d) Where possible, meet with the individual (complainant) who has raised the initial grievance/complaint to clarify and understand their perspective fully. A written statement of grievance shall be taken, providing particulars that can be essential to support investigation of the matter and/or conveyed to the other persons impacted. These details should be reviewed by the complainant to confirm their accuracy and completeness. As part of this process, the complainant will also be asked to provide evidence to substantiate their concerns (eg. Emails, notes). An indication of the desired outcome from the complainant's point of view should also be sought. The College should remind the complainant of the confidentiality of the process and issues.
- e) Continue to conduct investigations through interviews and ask for evidence where possible
- f) If the complaint is against an individual, the investigator, in consultation with the Executive Principal or Executive Principal's delegate as appropriate, will write to the individual named by the complainant (the invited party), advising them of the complaint, providing a summary of the particulars. This letter should invite the invited party to a meeting at which the issues can be set out in detail.

- g) When arranging interviews, the invited party should be informed that the meeting is part of a formal investigation process and inform them of their right to be accompanied by a support person to the meeting if they wish.
- h) Where possible, the length of time between the written notification and the meeting should be long enough for the individual to arrange a suitable support person; where an individual's preferred support person is not available at the time appointed for the meeting, the College may allow a delay of at least 24 hours to allow the person to select another support person.
- i) Meetings should be held in a suitable location where interruptions will be minimised.
- j) At the meeting with the invited party, the College should explain the grievance. The invited party should be allowed to consider the grievance or issues raised before responding (which may require an adjournment). The invited party shall also be allowed to ask questions and offer their perspective. The College should remind the invited party of the confidentiality of the process and issues, the availability of support and any temporary workplace arrangements that have been suggested.
- k) Following the meeting the College will consider how to proceed depending on merits established in the information provided. Where it is decided that no action is justified, both the complainant and invited party should be informed. It may be appropriate to then consider informal issue resolution between the parties with the assistance of a manager, focusing on future conduct and agreements.
- l) When all perspectives have been gained, the investigator will prepare a summary of the investigation findings and recommendations.
- m) Present recommendations to the relevant approver to review and approve
- n) Once outcome is approved, prepare a written letter to summarise the outcome of the complaint to be forwarded to the complainant and invited person. Where possible, meet with the complainant to discuss the outcomes and provide the letter in person.
- o) The outcome (regardless of its nature) is to be communicated to the invited person in person and in writing.
- p) Finalise the full investigation file (including records of interviews, evidence and outcome letter) and provide to the relevant area for archiving.

13 POSSIBLE OUTCOMES

The parties will be notified about the outcome of the informal complaint procedure or the formal complaint procedure as appropriate.

The possible outcomes will depend on the nature of the complaint and the procedure followed to address the complaint. Where an investigation results in a finding that a person has engaged in unlawful conduct or breach of a policy or contract, that person may be disciplined (including and up to termination of employment or enrolment).

The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors. Where the investigation results in a finding that the person complained

against has engaged in serious misconduct, this may result disciplinary action. Any disciplinary action is a confidential matter between the affected individual/s and the College.

The main purpose of grievance resolution is to resolve issues between individuals in a supportive, fair and constructive way. Identifying appropriate behaviours for the future and strategies to avoid further conflict are also important. Remedies (if not disciplinary) may include the provision of an apology or similar step (depending on the nature and severity of the conduct that has occurred

Sometimes the only achievable outcome may be an understanding of the matters raised and a recommendation to follow or improve guidelines or procedures or improve communication in the future. Sometimes either the formal or informal grievance procedure will not resolve the issue to the satisfaction of all parties, or the parties may have to agree to disagree on the outcome

If the findings of the investigator indicate that the misconduct, or its continuance, is sufficiently serious, they may decide to implement disciplinary action.

14 APPEALS PROCESS

- a) Complainants and invited parties are entitled to appeal decisions made. Appeal applications can be made by making an application to the Executive Principal for a decision to be reviewed.
- b) Prior to making an application to the Executive Principal for a decision to be reviewed, the individual must discuss the matter initially with the investigator.
- c) Requests for the Executive Principal to review a decision shall be in writing and briefly set out reasons for the appeal and the outcome sought.
- d) The Executive Principal has the discretion not to proceed with the appeal which may include, but is not limited to the following:
 - a. where the application for review of the action was made more than one year after the action complained of, and there are no exceptional circumstances explaining this delay;
 - b. where the application for review of the action is frivolous or vexatious;
 - c. where the action or instruction was both lawful and reasonable (taking account of all the circumstances);
 - d. where the affected person has previously applied for review of the same action under these provisions;
 - e. where the affected person does not have sufficient direct personal interest in review of the action; and / or,
 - f. where there are alternative internal review procedures (including, but not limited to, disciplinary action, promotion, anti-bullying, sexual harassment or discrimination and action arising under the relevant occupational health and safety laws) in which case the Executive Principal will advise the complainant of the alternative procedure.

- e) Upon receipt of an application for review, the Executive Principal will determine the most appropriate way to review the decision in accordance with the principles outlined above.
- f) The Executive Principal may, dependent on circumstances and at their discretion, discuss the matter with the College Board Chairperson.
- g) Once the review is completed, the Executive Principal will advise the individual (and his/her manager as appropriate) of the Executive Principal's decision.
- h) Options the Executive Principal may adopt include:
 - a. confirming the decision of the initial investigation;
 - b. undertaking further investigation of any new information made available;
 - c. varying the action;
 - d. setting the action aside and substituting a new action; or
 - e. dismissing the grievance as unsubstantiated.

15 MONITORING AND REVIEW

This policy will be reviewed as part of the College's three-year review cycle.

16 RELATED POLICIES

- Child Safety Policy;
- Child Safe Code of Conduct
- Enrolment Terms and Conditions;
- Mandatory Reporting Policy;
- Parent Code of Conduct;
- Privacy Policy; and
- Student Code of Conduct

DOCUMENT CONTROL

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