

COMMUNITY GRIEVANCE RESOLUTION PROCEDURE

1. PURPOSE

The purpose of this procedure is to set out the steps required to resolve a grievance, as described in the ELTHAM College Grievance Resolution Policy.

2. SCOPE

This procedure applies to members of the ELTHAM College community other than staff. Community members include, but are not limited to, students, parents, volunteers and visitors. Staff should follow the [EC189-POL Staff Grievance Procedure](#).

In all cases where the complaint relates to the operations of the College as determined by the Principal/College Executive, any resultant complaint will be dealt with by the Deputy Principal in the first instance as the Principal's delegate.

In all cases where a complaint involves matters which may be subject to criminal charges, or where the subject of the complaint must be reported to a regulatory authority, including the police, reporting appropriate to the nature of the matter will be actioned. Pending the advice of the regulatory authority, ELTHAM College will take all necessary steps to prevent further occurrences of the behaviour in question.

DEFINITIONS

Grievance: a cause for concern or complaint

Complaint: Complaint – Australian Standard AS/NZS ISO 10002:2014 Guidelines for Complaints Management in Organisations defines a complaint as an 'expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required'.

Complainant: Person initiating the complaint.

Respondent: Person who the complaint is against.

Vexatious complaints: A vexatious complaint is one that is that is baseless, designed to harass, or not based on fact or evidence.

Natural Justice

Both the complainant and respondent have the right to be afforded natural justice.

A person making a complaint has the right to:

- An understanding that all reasonable care will be taken to ensure the matter is handled confidentially

- An impartial hearing, and fair and equitable treatment
- Engage the person or organisation of their choice to provide assistance and support throughout the course of the matter
- Access to any documentation to be relied on by any person in the hearing relating to the complaint (including the person hearing the complaint).

A respondent has the right to:

- Be informed of the nature of the complaint in the first instance
- Respond to the complaint
- An impartial hearing, and fair and equitable treatment
- An understanding that all reasonable care will be taken to ensure the matter is handled confidentially
- Engage the person or organisation of their choice to provide assistance and support throughout the course of the matter (e.g. assisting with the preparation of responses, representation, accompanying to meetings, etc)
- Access to any documentation to be relied on by any person in the hearing relating to the complaint (including the person hearing the complaint).

PROCESS FOR RESOLVING GRIEVANCES

Option 1 Informal Process

Speak to the other party directly

Any stakeholder who considers that they have a grievance or cause for complaint should attempt to resolve the matter informally in the first instance, by raising the concern with the other party.

The two parties should work together to resolve the concern. This should be done by way of a verbal conversation, in person, via telephone or online tool such as zoom; but not via email.

Raise the concern with the relevant Section Director/Line Manager

If the complainant is uncomfortable about raising the concern directly with the respondent, they should raise it with the relevant Section Director/Line Manager. Reasons for not being able to raise it directly with the other party may include, but not be limited to; the specific nature of the concern, if it is a bullying and harassment concern, or due to the relationship with the respondent.

The Section Director will assist the complainant to resolve their concern. This may involve speaking informally with the complainant and respondent, seeking further information, or arranging a meeting between the two parties to assist with a resolution. Some matters may not be able to be resolved via an informal process, and so will progress to a formal process.

Option 2 - Formal Process

A formal Complaint may be initiated by the complainant if informal procedures are not successful or in situations where the allegations are more serious and informal procedures would be inappropriate.

To raise a formal complaint, The Formal Complaint Form [EC021-FORM](#) must be completed and submitted to the Deputy Principal who will be responsible for managing the complaint.

If the Deputy Principal is the respondent, the Formal Complaint Form will be submitted to the Principal who will follow the steps below.

If the Principal is the respondent, the Complaint Form will be submitted to the Chairperson of the ELTHAM College Board who will then follow the steps below*.

**A complaint as regards the operations of the College is not a complaint involving the Principal, and will, in all cases be dealt with by the Deputy Principal in accordance with this Procedure.*

Upon receipt of the formal complaint, the Deputy Principal will:

- Meet with the complainant to discuss their complaint
- Discuss the attempts made to resolve through the informal process
- Write to the respondent with the details of the complaint and seek a response. This may also involve meeting with the respondent. The response must be provided within 5 working days, or at a reasonable time by mutual agreement.

Upon receipt of the response, and within 20 working days, the Deputy Principal will attempt to resolve the grievance. This may include:

- Conducting an investigation which will include making additional enquiries and seeking additional information about the complaint. Meetings with either or both parties may be required, along with meeting with any other party with knowledge of, or witness to, the complaint
- Conducting a facilitated conversation between the two parties in order to reach a resolution
- Making suggestions for resolution.

It may be necessary to convene a committee consisting of appropriate members to assist with resolution or investigation into the complaint. This will be determined by the Deputy Principal on a case-by-case basis depending on the nature of the complaint.

The Deputy Principal may seek assistance from an external party where circumstances indicate this is required, or in relation to more complex complaints. Examples of external parties may include a mediator or external investigator and will depend on the nature of the complaint.

Following investigation of the complaint, the Deputy Principal will confirm, in writing to both parties any agreed outcome. This may include:

- Resolution and associated actions agreed between the two parties

- Resolution that the Deputy Principal recommends and both parties accept
- That agreed
- Any further steps that the Deputy Principal intends to make

APPEAL

If either party is not satisfied with the outcome they may appeal to the Principal. The Principal will review all information. During this process the Principal may:

- Meet with the complainant and respondent
- Conduct a further investigation if new information is raised through the appeal process
- Hold a facilitated conversation between the parties to assist with resolution
- Call on an external party to assist in resolution

The Principal will provide in writing to both parties, the agreed outcome to the complaint

If either party is not satisfied with the outcome they may seek external legal counsel to assist with resolution

RECORDS

Where the matter becomes a formal complaint, all parties will maintain documentary records of meetings, correspondence, steps taken to resolve a matter etc. Any records, once the formal complaint is resolved, will be kept securely and confidentially.

The privacy of all persons with an interest in the matters raised is paramount, and shall only be disclosed where a legislative instrument requires this, such as under Child Safe requirements.

REFERENCES

Internal References:

- [EC018-POL Bullying and Harassment Policy](#)
- [EC189-PRO Staff Grievance Procedure.](#)
- [EC036-POL Privacy Policy](#)
- [EC021-FORM Formal Complaint Form](#)

External References:

- [Australian Standard AS/NZS ISO 10002:2014 Guidelines for Complaints Management in Organisations](#)

DOCUMENT VERSION CONTROL AND AMENDMENTS

Version	Date	Amendment	Author
1	August 2016	Second Version	Executive

2	April 2017	Revised text	Business Manager
3	July 2017	Revised to include appeal process	Business Manager
4	July 2019	Updated version and date following bi-annual review. No changes to text.	Business Manager
5	March 2019	Ensure operational matters are dealt with by the Principal, clarify process where the complaint involves the Principal, clarify that an independent mediator may be engaged.	Business Manager
6	June 2020	Added Scope and Internal and External References	Business Manager
7	30 October 2020	Reviewed and amended to clarify process and remove ambiguity	Director of People and Culture

Appendix B – EC021 Formal Complaint Form



FORMAL COMPLAINT FORM

(To be submitted to the Deputy Principal)

Complainant's Name: _____ **Date:** _____

Best Contact Phone Number: _____

Note: In most situations the complainant must have initiated the Informal Complaint Procedure before filing a written formal complaint. The statement need not follow any particular format but shall include sufficient information to clarify the issues relating to the complaint, a description of any actions already taken and an indication of the resolution sought. This form will be provided to the other party(s) to the complaint, subject to confidentiality after considering the rights of the person(s) against whom the complaint is made against the needs for confidentiality of the complainant.

Summary of Complaint:

Action already taken:

List persons who may be contacted to provide further information:

(use additional paper if necessary)

Remedy Sought: _____



Signature of Grievant: _____

3. DOCUMENT VERSION CONTROL AND AMENDMENTS

Version	Date	Amendment	Author
1	August 16	Second Version	Executive
2	April 17	Revised text	Business Manager
3	July 17	Revised to include appeal process	Business Manager
4	July 19	Updated version and date following bi-annual review. No changes to text.	Business Manager
5	March 19	Ensure operational matters are dealt with by the Principal, clarify process where the complaint involves the Principal, clarify that an independent mediator may be engaged.	Business Manager