

Policy Name	Grievance Policy & Process
Related Policies and Legislation	Grievance Procedure Child Protection
Policy Category	Safe & Supportive Environment S3.6.1 S3.6.2 Student Welfare
Relevant Audience	All SMS Community
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Person/s Responsible for Review	SMS Administration

Grievance Policy

Introduction

All parents/guardians, students and staff at Sydney Montessori School (“SMS”, “the School”) are valued and they should feel free to voice grievances.

The School’s Grievance Policy provides parents/guardians, students, staff and members of the public with the appropriate process by which to bring grievances to the attention of the School, so that any such grievance may be listened to and addressed in a constructive and timely manner. A grievance may take the form of a complaint, an area of concern or an allegation of staff misconduct or reportable conduct.

Most grievances will be handled according to Part 1: Procedure for general complaints or grievances in this document. However, if a parent/guardian or stakeholder has complaints or allegations of staff misconduct or reportable conduct, they should follow the “Part 2: Grievance procedure for Complaints or Allegations of Staff misconduct or Reportable Conduct” in this document.

All grievances shall be taken seriously, the process of handling grievances shall be applied in a consistent manner and at all times have an end process in sight. Parents/guardians, students and staff shall be made aware of the process and each step in the process shall be documented.

Grievances shall be acknowledged as soon as practicable. All parties involved shall be notified as to what approach is being taken.

While parents will often wish to raise issues on behalf of their children there are other issues which students

may wish to raise on their own behalf and which are best raised by them. SMS shall encourage and support the independent voice of its students. Students should feel confident that they will be listened to and comfortable to raise concerns with any member of staff. If the grievance is a painful one for the student, they may need support from another student or an adult. They should be encouraged to seek out such support.

Grievances from members of the public will be referred directly to the Principal.

Grievances from staff regarding aspects of their work are covered under the Staff Grievance Policy.

Grievances about the Board should be directed to the Chair, via the Board Secretary.

Grievance in relation to complaints or allegations of staff misconduct or reportable conduct will be referred straight to the Principal or if it is about the Principal, will be referred to the 'Board Chair'.

Child Protection - Staff Misconduct / Reportable Conduct : Allegations Against Employees

1. Purpose: - Policy statement

- 1.1. Sydney Montessori School is committed to protecting the safety, welfare and wellbeing of students, ensuring it is responsive to allegations raised about its employees and responds to its legislative responsibilities.
- 1.2. As an employer, the School has a responsibility to:
 - respond to allegations of a child protection nature specifically related to the actions of an employee and ensure appropriate action is taken in relation to the finding, including disciplinary action;
 - report to the Office of Children's Guardian certain convictions and/or allegations of a child protection nature made against an employee; and
 - report to the Office of the Children's Guardian the names of employees found to have engaged in sexual misconduct towards, or seriously physically assaulted, a child.
- 1.3. The Association of Independent Schools NSW (AISNSW) may provide additional support or advice to the principals and workplace managers on initial contact about risk management, preserving evidence, reporting to other agencies and undertaking further enquiries.
- 1.4. The Principal (or in the case of 2.2, Board Chair) will assesses any available information and decided whether to:
 - Investigate the matter under the relevant guidelines and where the allegations are reportable, notify the Office of the Children's Guardian within 7 business days about the allegations
 - Oversight the local management / resolution of the matter in consultation with the Stage coordinator (if appropriate)
 - In the case of the Board Chair, refer the matter back to the Principal for action because the matter involves a member of staff (who is not the Principal) or in the case of the Principal, does not constitute misconduct and is not reportable. The Principal is expected to take appropriate action which will include speaking to the relevant parties to resolve the matter
- 1.5. The Principal / Board Chair will assess risk to address the safety of alleged victims, witnesses and students more broadly while an investigation is undertaken.
- 1.6. Investigations involve collecting and analysing the evidence, putting allegations to an employee, providing the opportunity for the person under investigation to respond, reviewing all the information gathered and drafting an investigation report with a recommended outcome.

- 1.7. The Principal / delegated stage coordinator will provide victims and employees information about support services available to them. Additional supports may be required where a victim is particularly vulnerable e.g. a student with disability.

2. Context

- 2.1. The safety, welfare and wellbeing of children and young people in educational settings are paramount. When responding to allegations against employees the School also has a responsibility to ensure its employees are treated fairly.
- 2.2. This policy reflects the legislative requirements of Sydney Montessori School to respond to allegations of a child protection nature against employees. The School has an obligation to children and employees to ensure allegations of a child protection nature are addressed and properly handled. The School also has a duty of care to keep students safe in schools.

3. Responsibilities and delegations

3.1. Principal / Board Chair

- Ensure effective systems are in place to manage allegations against employees
- Ensure reportable allegations and relevant workplace finding are reported to the NSW Office of Children's Guardian
- Determine the type of response that will be made to the allegations
- Undertake investigations of employees and decide what risk management action will be taken
- Take appropriate action including disciplinary and remedial action against employees.

4. Principals / Board Chair (and Stage Coordinators if delegated)

- Respond to allegations against employees in accordance with the policy and procedures
- Ensure the policy and procedures are accessible to all employees
- Ensure staff have child protection training and receive annual child protection updates
- Ensure risk management strategies are implemented locally during investigations and students and staff are supported

5. All employees

- Are aware of and comply with the policy and procedures
- Identify allegations of a child protection nature raised about employees
- Report allegations to the principal, workplace manager or Board Chair
- Maintain confidentiality about the allegations and any investigation in which they are involved.

6. Monitoring, evaluation and reporting requirements

- 6.1. The Principal and Board are responsible for monitoring the implementation of this policy and reviewing its effectiveness as per the timeline determined.

7. Stakeholder Expectations to report regarding complaints or allegations of staff misconduct or reportable conduct.

- 7.1. It is an expectation of the school that any parent / carer or stakeholder who has a concern about the safety, welfare or wellbeing of a child or young person will report it to the appropriate person (as identified below) following the schools identified process.
- 7.2. Any report will be managed confidentially in accordance with the schools Grievance Policy and any relevant legislation.

- 7.2.1. Any parent /carer or stakeholder who may have a concern regarding the safety, welfare or wellbeing of a child or young person is expected to report their concern to the Principal.
- 7.2.2. If the allegation involves the *Principal*, the parent / carer or stakeholder may raise their concern with the Chair of the School Board.
- 7.2.3. This obligation is part of the School's overall commitment to the safety, welfare and well-being of children.

8. If a complaint or allegation is raised by a stakeholder with the Principal or Board Chair, it will be dealt with in a manner as outlined in Part 2: Grievance procedure for Complaints or Allegations Staff misconduct or Reportable Conduct”

Documentation

A Grievance log shall be kept for three reasons:

1. The grievance may become a case of legal action.
2. Patterns in the record may indicate a need for action.
3. The Principal should be able to report on the grievance as necessary, to the Chairperson.

The log should contain the following information:

1. Date when the issue was raised.
2. Name of complainant.
3. Name of student (if applicable).
4. Brief statement of the issue.
5. Member of staff handling the issue.
6. Brief statement of action taken and outcome, including date

Confidentially

All grievances should be treated in a manner which is confidential to those directly or necessarily involved. It may be possible to deal with an issue without naming individuals. However, it may be impractical to deal with some issues without naming individuals.

Staff members have a right to know about grievances which may damage their reputation. Sydney Montessori School is aware of the need to provide support for staff against whom a grievance is made. A member of staff who is not otherwise involved should provide this support.

Resolution

Resolution will come in any of the following ways:

1. Knowing that changes have been made.
2. Knowing that the School is now alert to a previously unknown situation.
3. Feeling by the concerned party that the matter has been satisfactorily dealt with.
4. A considered letter. The complainant should receive a letter outlining the issue, action taken and

outcome.

Part 1:

Procedure for General Complaints or Grievances

Steps in the Grievance Process

In order for grievances to be appropriately addressed it is necessary to raise any such grievance with the appropriate member of staff, rather than sharing dissatisfaction with other parents. The following step-by-step process is designed to assist in lodging a grievance.

Step 1: The first step is to determine who is the appropriate staff member to address a grievance to:

1. Grievances about a specific student's educational, social or emotional development should be addressed in the first instance to the student's classroom teacher.
2. Grievances about student behaviour should be addressed in the first instance to classroom teachers or of a more general nature to the School Principal.
3. Grievances about administrative process, School policy or grounds and facilities should be addressed in the first instance to the School Administration.
4. Grievances about payment of School Fees should be addressed in the first instance to the School Administration.
5. Grievances about individual staff members should be addressed in the first instance to that staff member unless the grievance is a complaint about misconduct or reportable conduct whereby the complaint should be raised according to the procedures in part 2. . If it is not possible or appropriate to raise the grievance with the individual staff member, the grievance should be addressed to the Principal, who will bring the grievance to the attention of the staff member. In the case of the Principal, if it is not possible or appropriate to address the grievance to the Principal, the grievance should be addressed to the Chairperson, who will then bring the grievance to the attention of the Principal.
6. Complaints or allegations of staff misconduct or reportable conduct, should be dealt with according to "Part 2: Grievance procedure for Complaints or Allegations of Staff misconduct or Reportable Conduct"

Step 2: Once the appropriate staff member has been identified, the next step is to either discuss the grievance in person with the relevant staff member (with a support person if needed) or to put the grievance in writing to the relevant staff member. Any discussion/correspondence shall be fully documented.

Step 3: If the grievance remains unresolved it should then be directed to the Principal, either in person (with a support person if needed) or in writing. If the grievance involves a student the Principal may need to talk with the student with or without the parent/guardian being present depending on the nature of the grievance. All meetings and correspondence shall be fully documented.

Step 4: The Principal may choose to appoint a delegate (ie: a senior teacher) to investigate and make recommendations.

Step 5: The Principal will make a determination and communicate this in writing.

Step 6: If after Step 5, the grievance is not satisfactorily resolved the Principal may involve the Chairperson of the Board in the process. The parent/guardian will be informed by the Principal that this step has been reached. The Chairperson should discuss the matter fully with the Principal and be provided with relevant documentation. If a briefing is required from a staff member this should occur in the presence of the Principal.

The Chairperson should respond to the parent/guardian notifying them that they are reviewing the decision. If the chairperson wishes to gain further information they would give the opportunity for parties to add anything further. The Chairperson should provide an indicative date by which the parent/guardian should expect a response.

If a meeting is requested parents/guardians should be permitted to bring along a support person. Others involved should be the Chairperson, the Principal and, if appropriate, one other member of staff.

Step 7: If Step 6 does not resolve the matter the Chairperson should consider seeking the advice from the Association of Independent Schools NSW to convene a further meeting, and/or use of an independent arbitrator with parties to resolve the matter. The principal will confirm the outcome of the meeting(s) in writing within an appropriate agreed period.

GRIEVANCE RESOLUTION

(Informal)

Step 1:

Identify Area of Grievance

Step 2:

Identify Area or Person Responsible

- Specific student's educational, social or emotional Development -> Class Teacher
- Student behaviour -> Class Teacher, or School Executive
- Administrative process, School policy or grounds and facilities -> School Administration
- Payment of School Fees -> School Administration
- Individual staff member -> Staff member or Principal
- Board Member -> Board Chair

Discussion with the person or put the concern in writing to the identified person
-----> **Grievance Resolved**

If grievance is not resolved refer to Formal Process

GRIEVANCE RESOLUTION (Formal)

Grievance submitted to Stage Coordinator (E.C or Primary) or Principal for investigation

Investigation Report Completed

Principal issues a determination
----> **Grievance Resolved**

If grievance not resolved a request can be made for the decision to be reviewed by the Board Chair
----> **Grievance Resolved**

If further resolution is required, the Principal may seek advice from AISNSW to assist with final resolution guidance and process

Part 2

Procedure for Complaints or Allegations relating to: Staff Misconduct or Reportable Conduct

Steps in the Grievance Process

In order for grievances to be appropriately addressed it is necessary to raise any such grievance with the appropriate person, rather than sharing dissatisfaction with other parents. The following step-by-step process is designed to assist in lodging a grievance.

In the case of complaints or allegations of staff misconduct or reportable conduct, the school approach also takes into account legislative requirements relating to child protection that may include making a mandatory report, referring the allegations to an external authority, or reporting the outcome of an investigation to the relevant authority. The school will follow the procedures outlined in the Child Protection Policy for matters relating to misconduct that constitute reportable conduct..

As an employer, the Sydney Montessori School has a responsibility to:

- respond to allegations of a child protection nature specifically related to the actions of an employee and ensure appropriate action is taken in relation to the finding, including disciplinary action;
- report to the Ombudsman certain convictions and/or allegations of a child protection nature made against an employee; and
- report to the Office of the Children's Guardian the names of employees found to have engaged in sexual misconduct towards, or seriously physically assaulted, a child.

More information on this may be found about what misconduct/reportable conduct means in the school's Child Protection Policy (available on the schools intranet or available from the office).

1. The first step is to determine whether the matter relates to a complaint about staff misconduct or reportable conduct. (See also Child Protection policy)
2. Determine who is the appropriate person to address a grievance accordingly:
 - 2.1. Any parent /carer or stakeholder who may have a concern regarding the safety, welfare or wellbeing of a child or young person is expected to report their concern to *the Principal*. (principal@sms.nsw.edu.au)
 - 2.2. If the allegation involves the *Principal*, the parent / carer or stakeholder may raise their concern with the *Chair of the School Board*. (boardchair@sms.nsw.edu.au)

If a complaint or allegation is raised by a stakeholder with the Principal or Board Chair, it will be dealt with in a manner as outlined in this section of the School's Grievance Policy & Process

3. It is preferable that complaints are raised in writing. Where possible, the details of the alleged

incident including time, date, names of those involved, a description of what occurred and the names of any one who may have witnessed the incident.

4. The grievance may be raised by sending in a letter or email, addressed to the Principal (or in the case of 2.2 above the Board Chair) and marked 'Confidential'. It may also be raised in person.
5. Assess the immediate risks associated with the allegation in conjunction with and consider:
 - 5.1. the risk to any children, young people, students, employees and to the School
 - 5.2. the seriousness and nature of the allegation to determine the appropriate action required
 - 5.3. whether it is appropriate for the employee to remain on duty
 - 5.4. the support needs of all those involved.
6. Enquire if a report has been made to the Child Protection Helpline if the matter relates to a risk of significant harm
7. Advise the person making the complaint what action is to be taken in the short term to ensure the safety, welfare and wellbeing of all those involved, particularly emphasising the importance of confidentiality
8. Discuss the process that will occur as a result of the complaint
9. Record all available information
10. Write to the complainant to acknowledge receipt of the grievance in writing.
11. Use all the information obtained to consider the School's response and whether the allegation is reportable.
12. When the School is the only investigating agency, the investigator determines what information will be provided to persons involved in the matter during the course of the investigation. This includes information provided to the employee against whom the allegation has been made.
13. The employee is informed about an investigation and whether the allegation has been reported to the Ombudsman as soon as practical. The employee is advised of the content of allegations that may result in action being taken against them and given the opportunity to respond in writing or at interview. This should occur as soon as it is clear what the issues are.
14. The Principal (Board Chair) will make a determination and communicate this in writing.
15. If after Step 14, the grievance is not satisfactorily resolved the Principal may involve the Chairperson of the Board in the process. The parent/guardian will be informed by the Principal (Board Chair) that this step has been reached. The Chairperson should discuss the matter fully

with the Principal and be provided with relevant documentation. If a briefing is required from a staff member this should occur in the presence of the Principal.

The Chairperson should respond to the parent/guardian notifying them that they are reviewing the decision. If the chairperson wishes to gain further information they would give the opportunity for parties to add anything further. The Chairperson should provide an indicative date by which the parent/guardian should expect a response.

If a meeting is requested parents/guardians should be permitted to bring along a support person. Others involved should be the Chairperson, the Principal and, if appropriate, one other member of staff.

- 16.** If Step 15 does not resolve the matter the Chairperson should consider seeking the advice from the Association of Independent Schools NSW to convene a further meeting, and/or use of an independent arbitrator with parties to resolve the matter. The principal will confirm the outcome of the meeting(s) in writing within an appropriate agreed period.

GRIEVANCE RESOLUTION (Formal)

Grievance submitted to Principal (or Board Chair) for investigation

Investigation Report Completed

Principal issues a determination
----> **Grievance Resolved**

If grievance not resolved a request can be made for the decision to be reviewed by the Board Chair
----> **Grievance Resolved**

If further resolution is required, the Principal may seek advice from AISNSW to assist with final resolution guidance and process