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.

1. PURPOSE

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

1.1 What is a grievance?

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

1.2 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.
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.), the School Council and its sponsored services, including contractors and temporary, casual and volunteer staff
3) Clients of the CBRSS Inc. and its sponsored services (e.g. children and parents of the School)

Advice in relation to these policies and procedures is available from the Principal, Deputy Principal, Director K-6 or Chairperson of the CBRSS Inc. School Council

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 attempting 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) or Chairperson of the School Council (if the concern relates to an OH&S or business matter— refer Appendix 1), 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 School Council 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 School Council Member in relation to their role because it is unfair and/or unreasonable
3) The conduct of a Principal or membership of the leadership team, (Deputy Principal or Director K-6) 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 School Council. Refer Appendix 1 for a definition of OH&S issues.

3.2.2 A formal grievance must be lodged with 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 Deputy Principal or Director K-6 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 (e.g. a Faculty Coordinator); 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 each Council meeting a table of all unresolved grievances will be presented to the Council by the Principal. The Principal will always bear in mind clause 3.4.4 when reporting items to 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 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 e.g. Cape Byron Rudolf Steiner School
2) The actions of staff directly responsible to the CBRSS Inc. (e.g. a Principal, Principal or Director K-6) 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 School Council, because it is unfair and/or unreasonable
4) The conduct of a School 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 Chairperson of the CBRSS Inc 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 Chairperson of the School Council.

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 School 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 School Council will nominate or co-opt an independent person which may or may not be a School 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 School Council.

3.3.7 In the process of a grievance investigation, the School 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 School 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 School 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 School 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 School Council, the Principal 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 School Council 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 and persons involved in grievance.

This Grievance Register will be held in a secure location by the Principal.

3.4.5 The Principal, Deputy Principal, Director K-6 and/or the School Council will, wherever possible, ensure that the aggrieved party (parent, student, staff, and contractor) suffers no reprisal either from bringing an issue to the School Council’s attention, or from responding to an issue raised by another relevant party.
4. RELATED POLICIES

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

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.

“The School’s policies which are made from time to time are made pursuant to the requirements set out in section 47 of the Education Act and of the Board of Studies for registration of the school.”