

# GRIEVANCE POLICY

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## AL SIRAAT COLLEGE INC

Association No. A0051356N  
ABN 96 957 841 991

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Version 2.1 – 13<sup>th</sup> September 2021



AL SIRAAT  
COLLEGE

## 1. INTRODUCTION

- 1.1 Al Siraat College (the College) should at all times seek to create harmony and to avoid conflict. The atmosphere of the College community should be such that all feel safe to express their point of view openly, honestly and caringly.
- 1.2 The College aims to foster a culture in which appropriate standards of conduct are maintained by community members at all times, and that complaints are managed and resolved fairly, efficiently, promptly and in accordance with relevant legislation. 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.

## 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. SCOPE

- 3.1 This Policy applies to all:
  - (a) Staff members;
  - (b) Students;
  - (c) Parents;
  - (d) Committee Members;
  - (e) Members of the community; and
  - (f) Contractors.

## 4. WHAT IS A GRIEVANCE?

A grievance is an expression of dissatisfaction made to the College, related to the conduct of College activities, or the resolution process itself, where a response is explicitly or implicitly expected. For the sake of simplicity, the term 'grievance' will be used in the context of this Policy and procedure to refer to grievances, complaints and interpersonal disputes, but does not include matters relating to the safety of a child. If you have a concern about the safety of a child, please refer to the Child Safety Policy.

## 5. GENERAL PRINCIPLES

- 5.1 The grievance process provides guidelines for raising an unresolved issue or complaint and having it considered seriously.
- 5.2 Al Siraat College is an Australian school in the Islamic tradition. The College values living Islam, which extends to all aspects of our life, including resolving grievances. The following principles are important in conflict resolution and dealing with differences:
  - (a) *There is no good in many of their private talks, unless one bids charity or a fair action, or reconciliation between people. One who does this seeking Allah's pleasure, We shall give him a great reward. (Qur'an 4:114)*

- (b) *So, fear Allah, and set your relations right, and obey Allah and His Messenger, if you are believers. (Qur'ān 8:1)*
- (c) *All believers are but brothers, therefore seek reconciliation between your two brothers, and fear Allah, so that you may be blessed with mercy. (Qur'ān 49:10)*
- (d) *Abū'l-Dardā' (RA) narrated that the Messenger of Allah ﷺ said: "Shall I not inform you of what is more virtuous than the rank of fasting, prayer, and charity?". They said: "But of course!" He said: "Reconciliation amongst each other. For indeed, spoilt relations with each other are a blade [that shaves away the religion]." (Abū Dāwūd 4919, Tirmidhī 2509).*
- (e) *"The best charity is to reconcile between people" ('Abd b. Ḥumayd 335; Ṭabarānī 14615).*

- 5.3 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 Process, in particular its principles and considerations.
- 5.4 The process encourages informal resolution of a grievance between all parties concerned -- parents, staff, Committee members and students -- but also provides a structured, formal channel should it be required.
- 5.5 Where possible, grievances shall be dealt with locally and informally.
- 5.6 Grievances reported (whether formally or informally) to an employee shall be dealt with informally and in confidence wherever possible and appropriate. In addition, it is expected that all parties will approach the issues and individuals in a courteous and solution focused manner.
- 5.7 Anonymous grievances with no identifiable source will not be considered under this Policy.
- 5.8 The College shall use this Policy where appropriate, to seek to resolve grievances which fall within the College's area of responsibility. All cases of serious misconduct including but not limited to, sexual offences, criminal charges, or serious incidents will be referred to external authorities.
- 5.9 The Principal will, following consultation with the Head of Compliance as appropriate, establish a process and assign a pool of persons within the College and externally (using appropriately independent and qualified persons) who have relevant independence, skills and expertise in dispute resolution, as outlined in this document.
- 5.10 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.
- 5.11 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. Criticisms of the College do not support the child's education as they undermine trust and confidence.
- 5.12 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.
- 5.13 If the grievance relates to the conduct of a staff member who is related to persons in the assigned pool under clause 5.9, the matter shall be referred to and handled by someone who is not biased in favour of or against any person, does not have a material interest in the matter and is not related to the staff member.

- 5.14 The process of raising and resolving a grievance, through both informal and formal procedures, should embody the following guidelines:
- (a) The 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 appropriate and independent 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'.
- 5.15 The College welcomes the airing of a grievance in a responsible and constructive manner.

## **6. CONFIDENTIALITY**

- 6.1 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.
- 6.2 All persons aware of the complaint (and/or involved in the informal or formal complaint procedure) must also maintain confidentiality, including the person who lodges the complaint. Spreading rumours or gossip may expose individuals to a defamation claim. Individuals may discuss the complaint with their support person or representative. However, the support person or representative must also maintain confidentiality.

## **7. GRIEVANCE PROCEDURE – PARENTS OR GUARDIANS**

- 7.1 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.
- 7.2 The welfare of children in the College is paramount. Open criticism of any parties in a dispute does not support children's education. To this end fair and open communication conducted within the procedures outlined here, ensures that the rights and responsibilities of all parties are respected and consensus achieved.
- 7.3 All personal matters, such as concerns regarding student, parent or staff relationships should be raised directly with the College through the class teacher, Team Leader, Coordinator, Relevant Head of Years or Principal in a confidential manner.
- 7.4 The following procedure should be followed by parents if they have a concern:
- (a) Parents make an appointment to talk to the classroom or subject teacher. 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 teacher 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 teacher at the conclusion of the meeting.

- (b) If the issues are not resolved, parents should contact Customer Care by email outlining the concerns.
- (c) Parents will be contacted by the relevant party. If the concern warrants a meeting, one will be facilitated through the Customer Care team with the relevant staff members. Results of this meeting may include the following:
  - (i) The situation is monitored;
  - (ii) Further discussions with the people involved (e.g. Coordinator and teacher);
  - (iii) Outside support for the child or family may be sought.
- (d) Ongoing dissatisfaction
  - (i) If after the steps outlined in (a) and (c) have taken place, the grievance remains unresolved, they should follow the process for unresolved grievances outlined in this policy.

## **8. GRIEVANCE PROCEDURE - STUDENTS**

8.1 The following procedure should be followed:

- (a) Talk with the person concerned (student or teacher)
  - (i) Students should say what the problem is, i.e. say how they feel.
  - (ii) 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 a trusted adult such as a Student Support Mentor, Coordinator, Head of Years or teacher.
- (b) Listen
  - (i) Students should listen to the other person's side of the story.
- (c) Reflection
  - (i) Students should think seriously about whether there is any wrong on their side.
- (d) Agreement
  - (i) Students should try to reach an agreement with the other person where they both feel OK about the outcome.
- (e) Further Concerns
  - (i) If the grievance remains unresolved, follow the process for unresolved grievances outlined in this policy.

8.2 Some helpful hints for Students

- (a) Don't talk about the person to others – talk directly to the person.
- (b) It is better not to talk while you are angry or in public.

- (c) Remember to search for the right words to say, for understanding and for the issue to be resolved.
- (d) 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:
  - (i) Approach the teacher and ask for clarification;
  - (ii) Ask for a reassessment of the work by the teacher;
  - (iii) Ask the teacher to have the teacher in charge of that Learning Area (or another teacher) reassess the work; or
  - (iv) Accept the decision.

8.3 See Grievance Procedure –Students (Flow chart).

## **9. GRIEVANCE PROCEDURE - STAFF**

9.1 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.

9.2 The following procedure should be followed for both personal and professional conflicts:

- (a) Identify and clarify the issue.
- (b) Discuss the issue directly with the person involved, stating the problem and seek a resolution through sharing of concerns. Preparedness to apologise if warranted is important.
- (c) If unable to resolve directly with the person involved, discuss with Line Manager, Head of Years, Director or Principal. If the person involved is related to any of the Line Manager, Head of Years, a Director or the Principal, the matter must be referred to the most senior unrelated person on that list, otherwise the Committee Chairperson. If the person involved is related to the Committee Chairperson, the matter should be referred to any other Committee Member.
- (d) Be prepared to state the area of concern and offer possible solutions.
- (e) If the grievance remains unresolved, follow the process for unresolved grievances outlined in this policy.

9.3 See Grievance Procedure –Staff (Flow chart).

## **10. THE ROLE OF COLLEGE COMMITTEE MEMBERS**

10.1 Direct involvement of individual College Committee Members in the grievance process runs the possible risk of a conflict of interest.

10.2 If College Committee Members are approached individually by individuals with a grievance they should refer them to the Principal. Where the grievance is in relation to the Principal then the Committee member should refer the individual to email the Committee Chairperson (Committee@alsiraat.vic.edu.au).

10.3 The Committee will also consider matters associated with long range planning and where a person considers the Principal has not followed the Grievance Procedure.

## 11. GRIEVANCE PROCEDURE – LOCAL COMMUNITY

- 11.1 Good relationships between the College and its local community give students greater opportunities to succeed and to contribute to that community. Whilst community members may at times have concerns about what happens at the College and its impact in the community, in order to restore and maintain good relationships, conflicts and grievances should be resolved so that all parties achieve satisfactory results.
- 11.2 At all times, the welfare of students of the College is vital. Fair and open communication ensures the rights and responsibilities of parties involved as they work towards a satisfactory resolution.
- 11.3 The following guidelines outline a process to assist members of the local community if they have a grievance.
- (a) All concerns, whether they relate to students, parents, staff or programs offered by the College should be raised directly with the College. The Customer Care email should be the first point of contact (cc@alsiraat.vic.edu.au).
  - (b) Grievances should be kept as confidential as possible. However, the concern may need to be shared with relevant others in the College community.
  - (c) Support from bodies within the College, such as the College Committee, may be sought.
  - (d) Any party has the right to be accompanied by another person in a support role at any meetings convened to discuss the resolution of the grievance.
  - (e) Where both parties determine the need for, and agree to the role of a mediator in the resolution of the grievance, a mediator acceptable to both shall be appointed from the pool of persons formed under clause 5.9, in consultation with the Principal unless the Principal has a conflict. The mediator will not have any bias in favour of or against either party and will not have a material interest in the matter.
  - (f) Accurate records of the grievance and meetings convened in order to discuss and resolve the grievance are to be documented and each party provided a copy.
  - (g) It is important that the grievance is dealt with as promptly and amicably as possible – the welfare and learning of students should be kept as a key focus.
  - (h) Before grievances are referred to offices and/or persons outside the College, the concern and procedural steps undertaken should be documented.
  - (i) If all processes have been followed and a resolution to the grievance has not been determined, both parties may seek legal processes.

### PROCEDURE FOR UNRESOLVED GRIEVANCES

## 12. Lodge Complaint to the College

- 12.1 If you would like to lodge a complaint with the College, you must provide it to the College as follows:
- (a) If your complaint is against a person *other than* the Principal, or a member of the College Committee, you must lodge a complaint with the Principal. This can either be a discussion or in writing. The Principal may ask you to put your complaint in writing. If required by a conflict of interest or bias, the Principal will refer the matter to the Committee Chairperson.

- (b) If the complaint is against the Principal then you must lodge a complaint in writing to the Committee Chairperson.
- 12.2 If the person against whom the complaint is made is a member of the College Committee, you are required to lodge a complaint in writing to Committee Chair.
- 12.3 The complaint should include clear details about the particular allegations (e.g. who, what, when, where) and preferably be supported by evidence.
- 12.4 A person selected from the pool formed under clause 5.9 will be nominated by the College to handle the complaint or their delegate (the Investigator). The Investigator will not be biased in favour of or against either party or have a material interest in the matter.
- 12.5 The Investigator will, within a reasonable period of time, acknowledge receipt of the complaint, consider the details of the complaint and how to appropriately address the concerns raised, and provide you with details in relation to how the complaint will be handled.
- 12.6 All options will be considered to address the complaint. It will be dependent on the specific circumstances of the case as to which method is appropriate, including what is in the best interests of the students and the College. The Investigator will exercise discretion to determine how to resolve a complaint.
- 12.7 It may be necessary in some circumstances for the Investigator to obtain advice and pastoral support from an independent external person (e.g. a legal adviser) to ensure that the complaint is appropriately and fairly handled.
- 12.8 If the complaint relates to allegations concerning the safety of a child, the Investigator will refer to the College's Child Safety Policy and Procedure.
- 12.9 If the complaint relates to allegations concerning criminal code, the Investigator is entitled to make a report to the Police.

## **DISPUTE RESOLUTION WITHIN THE SCHOOL**

### **13. Initial investigation**

- 13.1 The Investigator will investigate the matter to establish the facts.
- 13.2 Having established the facts, the Investigator in consultation with the Principal and/or Chairperson as appropriate, shall determine whether the grievance:
  - (a) will be dismissed;
  - (b) is to be handled informally; or
  - (c) is to be handled formally; or
  - (d) will be referred to an external consultant or dispute resolution expert.
- 13.3 The College and the Investigator must keep records of the investigation, including making written records of any conversations had during the investigation.

### **14. Informal Complaint Procedure**

- 14.1 At the discretion of the Investigator, the informal complaint procedure may be implemented. 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.



- 14.2 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.
- 14.3 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.
- 14.4 The Investigator must keep records of the investigation undertaken during the informal complaint procedure, including making written records of any conversations had during the investigation.

## **15. Formal Complaint Procedure**

- 15.1 At the discretion of the Investigator, the formal complaint procedure may be promptly implemented.
- 15.2 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.
- 15.3 The Investigator will conduct the formal investigation in line with procedural fairness and make recommendations about resolving the complaint.
- 15.4 The Investigator will meet formally with 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.
- 15.5 A 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. 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.
- 15.6 If the complaint is against an individual, the Investigator, in consultation with the Principal or Committee Chairperson as appropriate, will write to the individual named by the complainant (the respondent), advising them of the complaint, providing a summary of the particulars. This letter should invite the respondent to a meeting at which the issues can be set out in detail, and it should inform them of their right to be accompanied by a support person.
- 15.7 Where possible, the length of time between the written notification and the meeting should be long enough for the respondent to arrange a suitable support person; where an respondent'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.
- 15.8 Meetings should be held in a suitable location where interruptions will be minimised.
- 15.9 At the meeting with the respondent, the Investigator should explain the grievance. The respondent should be allowed to consider the grievance or issues raised before responding (which may require an adjournment). The respondent shall also be allowed to ask questions and offer their perspective. The College should remind the respondent of the confidentiality of the process and issues, the availability of support and any temporary workplace arrangements that have been suggested.

- 15.10 Following the meeting the Investigator 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 respondent 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.
- 15.11 If the grievance is established and disciplinary or corrective action is considered justifiable, the Investigator, and if appropriate in consultation with the Principal and/or Committee Chairperson as appropriate, shall determine an appropriate outcome. The outcome (regardless of its nature) is to be communicated to the complainant and respondent in person and in writing.
- 15.12 The formal investigation will remain strictly confidential to the extent possible.

## **16. Possible Outcomes**

- 16.1 The parties will be notified about the outcome of the informal complaint procedure or the formal complaint procedure as appropriate.
- 16.2 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).
- 16.3 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.
- 16.4 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).
- 16.5 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.
- 16.6 If the findings of the Investigator indicate that the misconduct, or its continuance, is sufficiently serious, they may decide to implement disciplinary action.

## **17. Appeals Process**

- 17.1 Complainants and respondents are entitled to appeal decisions made under clause 15.11. Appeal applications can be made by making an application to the Principal for a decision to be reviewed; and if the Principal was the Investigator or otherwise unable to act as the Investigator, the application should be made to the Committee Chairperson (the Decision Reviewer).
- 17.2 Prior to making an application for a decision to be reviewed, the individual must discuss the matter initially with the Investigator.
- 17.3 Requests for the review of a decision shall be in writing and briefly set out reasons for the appeal and the outcome sought.

- 17.4 The Decision Reviewer 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 complainant will be advised of the alternative procedure.
- 17.5 Upon receipt of an application for review, the Decision Reviewer will determine the most appropriate way to review the decision in accordance with the principles outlined above.
- 17.6 The Decision Reviewer may, dependent on circumstances and at their discretion, discuss the matter with the College Committee Chairperson.
- 17.7 Once the review is completed, the Decision Reviewer will advise the individual (and his/her manager as appropriate) of the decision. Options available to the Decision Reviewer 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.
- 17.8 If you are not satisfied with the outcome or the way in which the College has handled your complaint, you can contact the relevant governing body.

**18. RELATED POLICIES AND PROCEDURES**

Enrolment Terms and Conditions;  
Privacy Policy;  
Parent Code of Conduct;  
Student Code of Conduct;  
Child Safety Policy;  
Child Safety Code of Conduct;  
Grievance Procedure - Staff;  
Grievance Procedure - Students; and  
Customer Care Procedure - Parents.

**19. MONITORING AND REVIEW**

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

**20. DOCUMENT HISTORY**

Date	Author	Version	Change Reference
March-2014	Andrew Houghton	1.0	No previous document
17-Jul-2021	Moores Lawyers, Fazeel Arain, Leah Hamel, Javeria Tabassum	2.0	Significant update to content and format of the policy
6-Sep-2021	Review by Russell Kennedy Lawyers	2.1	Updates for ensuring the policy takes into account conflicts of interest relating.

**21. APPROVAL AND ADOPTION OF THIS CONFLICT OF INTEREST POLICY**

Adopted by the Committee on 13<sup>th</sup> September 2021.