

## Preamble

*The John Paul College Mission Statement speaks of the commitment of all members of the community to recognising the essential dignity of the person and of the need for all to experience the 'fullness of life' promised in Jn 10.10.*

## Policy Statement

John Paul College is committed to providing a healthy, safe and pleasant work environment for all staff and students. We acknowledge, however, that staff, parents and students can sometimes feel aggrieved about something that is happening at the school which appears to be discriminatory or to contravene the College Mission Statement. Such contraventions include:

- excluding someone from activities
- giving someone the majority of unpleasant tasks
- verbal abuse
- humiliating someone through sarcasm or insults
- intimidation

All members of the John Paul College community are expected to treat each other with dignity and respect.

All members of the College Community who are concerned about behaviours directed at them are encouraged to report it. Complaints from students about fellow students should be handled within the school's Safe School Policy. Complaints in relation to VCE/VCAL rules are provided for within the VCAA rules and the school's VCE/VCAL administrative handbook.

When a report is made, it will be viewed as a serious matter and will be investigated in a timely manner. The reporting, investigation and appeals procedures are set out below. A staff member, parent or student can make a complaint about any decision, behaviour, act or omission. Underlying all such behaviour is the concept of the 'misuse of power.'

The following values inform our Resolution of Grievances procedures:

### Impartiality

If you make a complaint, it will be investigated in a fair and impartial manner. No judgments or assumptions will be made, and no action will be taken until the investigation is complete. If a complaint is made against you, your rights will be protected and you will be given an opportunity to tell your side of the story.

### Confidentiality

You can feel secure that if you do make a complaint under this policy, it will remain confidential. The only people who will have access to information about the complaint will be the person making the complaint and the person investigating. The only exception to this will be where, in the course of the investigation, another senior member of staff may need to be aware that a complaint has been received and is being investigated. In such circumstances the information revealed would be limited only to what is necessary for the proper resolution of the matter.

### No Victimisation

You can be assured that if you make a complaint there is a clear expectation that you will not suffer in any way as a consequence. This expectation is expressed explicitly to each person involved in the matter. Any cases of victimisation will be dealt with swiftly and with strong consequences. There is no tolerance of victimisation in this process.

### Timelines

Each complaint will be finalised within as short a period as possible while allowing for thorough and fair processing of the matter. Our aim is to ensure that all complaints are finalised within four working weeks.

## Procedures – Resolution of Grievances

The purpose of these procedures is to assist you to take steps to resolve grievances that may occur within the College community.

### Taking direct personal action

You may feel that you can speak with the person(s) involved regarding the impact the situation is having on yourself. This may be the quickest and easiest way to resolve the matter. Prior to this you may wish to speak with a trusted person, eg

- in the case of a student – teacher, parent or Counsellor,
- in the case of a parent – partner, House Coordinator or Counsellor
- in the case of a staff member – Deputy Principal, Faith Development Coordinator, Counsellor or colleague.

### Contact Officer – contact details

The following persons are designated Contact Officers at John Paul College;

- Ms Lyn Helisma - Deputy Principal Learning and Staff [hely@jpc.vic.edu.au](mailto:hely@jpc.vic.edu.au)
- Mr Rick Van Duppen – Deputy Principal Wellbeing [vanr@jpc.vic.edu.au](mailto:vanr@jpc.vic.edu.au)

### Formalising the grievance

You may believe that personal action is not sufficient or has not worked. The grievance can be formalised by speaking with one of the contact officers. The contact officer can provide information, support and options for resolving the matter. When considering this course of action you are able to bring a parent, Counsellor or teacher (in the case of student) or a support person (in the case of a parent or staff member) to meetings. A support person may be:

- for a student – a fellow student, a parent, a teacher or a counsellor
- for a parent or staff member – another adult

The role of a support person is to be a positive presence for the person bringing the grievance. The support person may take notes or just listen; occasionally they may speak to the person bringing the grievance to help them clarify what they are saying. The support person does not speak on behalf of the person bringing grievance – it is important for the person hearing the grievance that they hear it directly from the person bringing the grievance. The support person is able to speak with the person bringing the grievance outside of the meeting and to be in a position to really help with clarifying exactly what was said in the meeting.

The contact officer will seek to find a resolution that is appropriate and amenable to all parties.

Following a formal complaint, an investigation will be conducted and will include:

- Reviewing relevant evidence
- Interviewing the parties involved
- Interviewing witness/es, if any.

Once the grievance is formalised, the contact officer will meet with you and you will be asked what outcome you would like. Further action will be agreed upon between you and the Deputy Principal.

The Deputy Principal will then talk to the respondent. A similar right to have a support person present is assumed. The respondent has a right to know exactly what grievance has been raised and who has raised it.

All interviews of any witnesses will be conducted separately and impartially. The importance of confidentiality will be discussed and the possibility of consequences if confidentiality is breached.

### Outcomes

Outcomes to resolve a grievance can include the following:

- Apology – either written or verbal
- Mediation – with an internal or external mediator
- Official warning
- Counselling
- Dismissal
- Disciplinary action
- Behaviour Contract (in the case of students)
- Pastoral/spiritual care
- An understanding that the behaviour will not be repeated

## Appeals

If you believe that the above procedure has not been followed or that the outcome is not acceptable, then you may appeal to the Principal. If the Principal is involved in the grievance then the appeal is to be forwarded to:

Senior Officer  
Professional Conduct, Ethics & Investigations  
Catholic Education Melbourne  
PO Box 3  
East Melbourne VIC 3002  
9267 0228

Upon receiving an appeal the Principal will examine all documentation related to the grievance and may seek further interviews.

Advice may be sought from the President of the Association of Canonical Administrators. The outcome of an appeal is to either uphold the original investigation or to reopen the investigation appointing a new investigator.

## External agency

If you are not happy with the way a grievance has been dealt with you may wish to go to an external agency for further advice and assistance. Other external agencies you may consider are:

Senior Officer  
Professional Conduct, Ethics & Investigations  
Catholic Education Melbourne  
PO Box 3  
East Melbourne VIC 3002  
9267 0228

The Equal Opportunity Commission of Victoria  
Level 3, 380 Lonsdale Street  
Melbourne VIC 3000  
9281 7111 or 1800 134 142

Fair Work Commission  
Level 4, 11 Exhibition Street  
Melbourne VIC. 3000  
8661 7777

*This policy is based on one contained in the document "Harassment in the Workplace - Guidelines for Employers, Managers, Supervisors and EEO Personnel", Anti-Discrimination Board, New South Wales, 1995, p 23.]*

## Appendix 1

### **What is Workplace Bullying?**

Workplace Bullying can occur wherever people work together. Under certain conditions, most people are capable of bullying. Bullying is not always intentional. Sometimes people do not realise that their behaviour can be harmful to others.

Workplace bullying is repeated, unreasonable behaviour<sup>1</sup> directed toward an employee, or group of employees, that creates a risk to health and safety.<sup>2</sup> This may occur through SMS, email and social media.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, could be considered direct or indirect bullying:

- verbal abuse
- deliberately excluding or isolating employees
- psychological harassment
- intimidation
- assigning meaningless tasks unrelated to the job

- giving employees impossible assignments and setting timelines that are difficult to achieve
- deliberately changed work rosters to inconvenience particular employees
- deliberately withholding information vital for effective work performance
- Sending inappropriate emails or communications

This list is not exhaustive. Other types of behaviour may also constitute bullying.

Serious case of bullying may constitute a criminal offence. Bullying is also against the school's OH&S policy as it can create an unsafe work environment

### **What is occupational violence?**

Occupational violence is defined as any incident where an employee is physically attacked<sup>3</sup> or threatened<sup>4</sup> in the workplace. The term applies to all forms of physical attacks on employees including:

- striking, kicking, scratching, biting, spitting or any other type of direct physical contact
- attacking with knives, guns, clubs or any other type of weapon
- pushing, shoving, tripping, grabbing
- any form of indecent physical contact

The definition of occupational violence also covers situations where an employee is attacked by a person who may not be able to form intent, but is capable of violence.

<sup>1</sup>"Unreasonable behaviour" means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten; and "behaviour" includes actions of individuals or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening.

<sup>2</sup>"Risk to health and safety" includes risk to the mental or physical health of the employee.

<sup>3</sup>"Physical attack" means the direct or indirect application of force by a person to the body of, or to clothing or equipment worn by, another person, where that application creates a risk to health and safety.

<sup>4</sup>"Threat" means a statement or behaviour that causes a person to believe they are in danger of being physically attacked.

From Victorian WorkCover Authority website <http://www.vwa.vic.gov.au>

## **Appendix 2**

### ***Outline of points to be covered in a complaint statement***

A formal complaint can be made to a contact officer, in writing, setting out the details of the specific allegations including:

Your name

The name of the person/group you are complaining against

Provide details in chronological order about -

- What happened to you?
- When did it happen?
- Who was involved?
- Were there any witnesses? Give details
- Where did it happen?

Relevant written documentation (letters, copies of emails etc) can be attached or referred to in this statement.

Explain how the situation has affected you. What detriment have you suffered?

Signature

Date

**Police ratified by College Board: 18 June 2015**

**Next review date: 2020**

**Person responsible: Policy Review Committee**