

Grievance and Complaints Handling Policy and Procedures - Parents and Students

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Policy Owner	Principal
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Purpose

Meriden School is committed to providing a fair, safe and productive work environment where grievances are dealt with sensitively and expeditiously. Within that environment parents, guardians, carers and students are encouraged to come forward with their grievances in the knowledge that School authorities will hear their grievance, and take action that the School deems as appropriate and lawful.

Scope

This policy applies to general complaints and grievances by students about the school administration, staff and fellow students, and general complaints by parents against students, staff and the school administration.

This policy also applies to parent, carer or community member complaints or allegations of staff misconduct or reportable conduct.

This policy is not to be used for internal staff grievances. A separate policy is provided to staff relating to grievances of staff against the school administration, fellow staff, parents and students.

Policy

At Meriden all members of the school community are informed and aware of their respective rights and responsibilities; mutual respect is expected at all times by all parties. Students and staff are provided with Codes of Conduct and parents/guardians are provided with the Meriden Parents' Charter (Appendix 1). The student Codes of Conduct are outlined, respectively, in the Senior and Junior School Planners. The Parents' Charter and the full text of this document are published on the School's website and on the School's intranet (for both parents and staff).

Any parent, student or staff member may lodge a grievance regarding school-related problems. However, if other procedures exist that more appropriately address the grievance e.g. Child Protection Policy and Procedures, that mechanism should be used.

This policy is based upon Christian principles of fairness, justice and respect for others. The outworking of these procedures will be monitored and a review carried out biennially.

Complaints and grievances will be treated seriously and sensitively, having due regard to procedural fairness, and confidentiality and privacy requirements. Complaints and grievances should be handled quickly and as close as possible to their source, and complainants should raise concerns as early as possible after the incident/s have occurred.

Wherever possible, grievances should be resolved by a process of discussion, cooperation and conciliation. The aim is to reach an acceptable outcome that minimises any potential detriment to ongoing relationships.

Both the complainant and the respondent will receive appropriate information, support and assistance in resolving the grievance. Parties may bring a support person to any interview. No person should be victimised because they raise a complaint or are associated with a grievance.

Complainants should not instigate grievances that are frivolous, vexatious, malicious or untrue. All complainants are expected to participate in the complaints and grievance resolution process in good faith.

A. General Complaints Procedures

Grievance resolution

The procedures in this section are provided as a guide to the way in which the School will address general matters of complaint or grievance. However, there may be circumstances in which some of the steps outlined are not appropriate and the School will determine, on a case by case basis, the most appropriate method of handling the grievance.

These General Complaints Procedures are not to be used to handle complaints or allegations of employee misconduct or reportable conduct that are made by parents, carers or community members. The procedures set out in Part B below are to be used should such a complaint or allegation be made.

The School will take whatever action it considers appropriate if there has been unlawful discrimination or harassment or bullying, including disciplining or dismissing offenders.

Preliminary action

Before initiating the complaint and grievance procedures, the complainant is encouraged to try to resolve any grievance directly with the person/s concerned. If this is not possible or appropriate, the complainant should initiate these general procedures, whereupon the School will determine the most appropriate method of handling the grievance. It is not considered appropriate for a parent to approach directly students to resolve grievances.

Commencing the process of grievance resolution

Step 1 - Talk to the person with immediate responsibility

Where the complainant has been unable to resolve the grievance themselves, they should address the matter with the person who has immediate responsibility. Parents and students should approach the person listed as immediately responsible in the communication channels.

Information for students and School families about communication channels, who is the best person to contact, and how to contact them is found the Meriden Student Planner, issued annually to all students in both the Junior and Senior Schools.

Senior School

Complaints about students only should initially be raised with the Year Coordinator or Head of Senior School or, in the case of classroom matters, the appropriate teacher or Head of Department or Head of Teaching and Learning. These will be dealt with in line with the Senior School Pastoral Care and Welfare policy and procedures, Discipline Policy and Procedures and Student Code of Behaviour and Student Behaviour Management Plan.

Students and parents with complaints against members of staff should initially approach the Head of Senior School.

Junior School

An age-appropriate approach to the resolution of grievances is employed in the Junior School, within the general framework of the Junior School Student Welfare and Discipline policies and procedures. In the case of complaints involving Junior School students only, these should initially be raised with the appropriate class or specialist teacher, and referred to the appropriate Stage Coordinator, Dean of Academic Care or Dean of Junior School, as necessary.

Parents of the Junior School are urged to raise any complaints directly with the appropriate class or specialist teacher, followed, if necessary, with the appropriate Stage Coordinator or Dean of Junior School. The Head of Junior School may be involved in complaint deliberations at any stage of the process, as appropriate.

It should be noted that parents in the role of "Class Social Organiser" should not be asked to comment, involve themselves nor to intervene in grievance matters. These must be addressed through the School's processes outlined herein.

Should the complaint or grievance be against the Principal and parents have not been able to resolve their complaint or grievance directly with the Principal, they are entitled to raise the matter in writing with the Chairman of the School Council.

General procedures

Where the grievance involves the person with immediate responsibility, the complainant should refer the matter to the supervisor of the person with immediate responsibility.

The person responsible should address the grievance with a view to resolving it as expeditiously as possible. This would require the person who is responsible to review the matter by, for example:

- carefully listening to the complainant's concerns and their desired outcomes
- requesting further information from the complainant and/or from third parties
- referring the complainant to a copy of this document (available on the School intranet - eCentral), explaining the grievance procedures and the support available
- keeping appropriate, confidential records of the matter
- meeting with the complainant and / or others involved in the grievance
- meeting with, and listening to, the respondent
- reviewing and responding to the grievance or, if it is unsuitable for resolution at this level, arranging for an appropriate person of authority to review and respond to the grievance, as set out in Steps 2 or 3 of these general procedures
- keeping those involved appropriately informed about the progress of the matter
- monitoring the situation during and for the time soon after the resolution process, or longer as is deemed necessary by the School.

Procedural fairness

In any action taken, the person responsible should ensure procedural fairness for all parties involved. The principles of procedural fairness include the right to

- know the allegations related to a specific matter and any other information which will be taken into account in considering the matter

- know the process by which the matter be considered
- respond to the allegations
- know how to seek a review of the decision made in response to the allegations
- impartiality in an investigation and decision-making
- an absence of bias by the decision-maker

At the end of their direct involvement with the matter, the supervisor will provide a file note to the Principal or the appropriate Head of School.

Step 2 – Refer the matter to a supervisor of the person with immediate responsibility

If the complainant believes the grievance has not been resolved to their satisfaction during Step 1, they may refer the matter to the supervisor of the person with immediate responsibility. This would usually be the relevant Head of School. The supervisor will try to resolve the matter in a timely manner, following similar processes outlined in Step 1.

Mediation may be offered by the School's Grievance Officer, as appropriate.

Step 3 – Refer the matter to the Principal or delegate

If the grievance remains unresolved, or is felt to be of such a serious nature that it cannot be resolved without investigation, it may be referred in writing to the Principal/delegate. After giving due consideration to the grievance, the Principal or his / her delegate may elect to pursue a course/s of action involving, but not limited to some of the following:

- a. if the complaint is not clearly within the scope of the School's processes for misconduct / professional misconduct (such as fraud, corrupt, criminal or unethical conduct, maladministration) or unsatisfactory performance, the Principal or his / her delegate may:
 - i. refer the complaint back to the relevant supervisor or to a nominee, with advice, for resolution; or
 - ii. initiate an investigation into the matter; or
 - iii. seek to resolve the matter directly; or
- b. if the complaint falls within the scope of the School's provisions for misconduct/serious misconduct or unsatisfactory performance or other related areas, follow the appropriate disciplinary procedures; or
- c. if necessary, contact an appropriate outside agency.

Any determination made by the Principal in accordance with Step 3 of these procedures with regard to the grievance will be final, except for the complainant/respondent's right to pursue the matter externally to the School.

Outcomes of the Procedures

Outcomes will vary from case to case depending on the nature and circumstances of each grievance. Outcomes could include:

- the complainant gaining a better understanding of the situation and no longer feeling aggrieved
- the complainant receiving a verbal or written apology
- the respondent receiving a verbal or written reprimand
- one or both parties agreeing to participate in some form of counselling or mediation
- disciplinary action where a School policy or Code of Conduct was found to have been breached, and/or where misconduct/serious misconduct or unsatisfactory performance has occurred.

Disciplinary action may also be taken as appropriate, for example, where:

- a grievance is found to have been frivolous, vexatious, malicious or untrue
- a person victimises another person because of their involvement in the grievance
- unnecessary disclosure of information (a breach of confidentiality) has occurred.

Support Services and School Services

Members of the School Community are able to contact the following support services and personnel for assistance.

Meriden Senior Staff:

Principal

Head of Senior School

Head of Junior School

Year Coordinators, Senior School

Dean of Junior School

Dean of Academic Care, Senior and Junior School

Grievance Officer

Psychologist / Counsellor

Chaplaincy Staff

School/Youth Liaison Officer

Senior Constable Anne Ferfolya

School Liaison Police

Youth Command, inner Metro Zone

14 Victoria Street, Ashfield, NSW, 2131

Mobile - 0437885583

Phone - (02) 9797 4093

Email – ferf2ann@police.nsw.gov.au

Records

Any grievances or complaints dealt with under this policy and procedures by the Principal or the Grievance Officer are kept in hard copy in the Principal's office and/or in hard copy in the Grievance Officer's office.

Any staff member handling a grievance or complaint by a parent or students and dealt with under this policy and procedures is to keep a written record of the complaint and record it on student files.

B. Complaints or allegations of staff misconduct or reportable conduct

Parent, carer or community member complaints or allegations of staff misconduct or reportable conduct

These procedures set out how the School receives and handles complaints or allegations of employee misconduct or reportable conduct that are made by parents, carers and community members. The procedures in Part A above are to be used for handling general complaints.

This document should be read alongside the School's Child Protection Policy and Procedures. Both this document and the Child Protection Policy and Procedures are published on the School's website and on the parent section of the School's intranet, eCentral.

For the purposes of this section of this policy, employee includes paid staff, volunteers and third party contractors.

How should a parent, carer or community member make a complaint or report an allegation of staff misconduct or reportable conduct?

Parents, carers and community members who wish to make any complaint or report an allegation regarding staff misconduct or reportable conduct should direct them in writing by letter addressed to:

The Principal
Meriden School
PO Box 78
Strathfield 2135
or by email to principalea@meriden.nsw.edu.au

If the complaint or allegation of staff misconduct or reportable conduct is about the Principal, or it is not considered appropriate to be made to the Principal, the parent, carer or community member should direct their complaint or allegation in writing to the Head of Senior School who will notify the Chairman of the School Council. The Chairman of School Council must then comply with the obligations under this Policy that would otherwise fall upon the Principal.

Allegations should be made confidentially and will be treated as confidential.

Receipt of the complaint or allegation will be acknowledged in writing by the Principal, her delegate or Chairman of School Council (as applicable) and the complainant will be provided with the details of who will be the point of contact at the School.

The School's initial response to a parent, carer or community member complaint or allegation of staff misconduct or reportable conduct

Upon receipt of any complaint or allegation of staff misconduct or reportable conduct, the Principal or her delegate will, as required, seek clarification about any details of the allegation, and assess whether:

- a) the child is at 'risk of significant harm' and will use the Mandatory Reporting Guide to decide whether to notify the NSW Department of Family and Community Services ('FACS'),
- b) it is a police matter and if so, notify the NSW Police
- c) on face value, the allegation or complaint is:
 - i. an allegation of reportable conduct,
 - ii. an allegation of a class or kind,
 - iii. a 'trivial or negligible' matter, or
 - iv. professional misconduct.

Reportable conduct is defined in section 25A(1) of the *Ombudsman Act 1974* (NSW) ('the Ombudsman Act') as:

- a) any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material)
- b) any assault, ill-treatment or neglect of a child
- c) any behaviour that causes psychological harm to a child whether or not, in any case, with the consent of the child and
- d) any offence under s43B or 316A of the *Crimes Act 1900* (i.e. failure to reduce or remove risk of a child becoming a victim of child abuse and concealing a child abuse offence)

whether or not, in any case, with the consent of the child concerned.

Reportable conduct does not extend to:

- a) conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards or
- b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures (see below), or
- c) conduct of a class or kind (see below).

In making her assessment, the Principal may consult the Association of Independent Schools of NSW ('AISNSW') or the NSW Ombudsman for advice.

Investigations by external agencies

If the Principal determines that an external statutory agency or agencies such as FACS or the NSW Police needs to be notified, those agencies may decide that they will conduct an external investigation. In those circumstances, the agencies will determine the investigation process and any final findings of the external agencies are to be submitted to the Principal.

During any external investigation, the Principal or an Accredited Child Protection Investigator will carry out a risk assessment to determine the appropriate action to minimise risks. This may include the person subject of the allegation ('PSOA') being temporarily relieved of some duties, being required not to have contact with certain students, being asked to take paid leave, or being suspended from duty. When taking action to address any risks identified, the School will take into consideration both the needs of the child(ren) and the PSOA.

If external agencies such as FACS or the NSW Police are notified, the Principal must seek clearance from them prior to commencing any internal investigation by the School so as not to compromise their investigations. The agencies might not give clearance until they have concluded their investigation, including legal proceedings arising out of it have been finalised. Only when the clearance is provided is the School able to undertake its internal investigation.

Internal investigation of an allegation of reportable conduct

Part 3A of the Ombudsman Act requires heads of certain agencies, including non-government schools in New South Wales, to notify the New South Wales Ombudsman of all allegations of reportable conduct involving an employee and the outcome of the School's investigation of these allegations. The Principal is the Head of Agency of Meriden School.

The Principal will notify the Ombudsman of reportable allegations as soon as practicable and, in any event, within 30 days of becoming aware of them (unless otherwise agreed with the Ombudsman).

The reportable conduct scheme is allegations-based. If an allegation is, on the face of it, a reportable allegation, it must be notified to the Ombudsman irrespective of other factors or information that may suggest that the allegation has no weight.

After any external investigation has been finalised, an internal investigation will be conducted by the School and the key steps taken in the investigation will be those set out in Sections 7.3 to 7.4 of the School's Child Protection Policy and Procedures. Those procedures include procedures for ongoing risk management, an internal investigation, notification of the findings to agencies and consideration of disciplinary action.

There are five possible findings that the Principal can make following an internal investigation:

- a) sustained. This is a finding that the alleged conduct occurred
- b) not sustained - insufficient evidence. This is a finding that there is some evidence of weight however there is insufficient evidence available to reasonably establish that the alleged conduct did occur.

- c) not sustained - lack of evidence lack of evidence of weight. This is a finding where the evidence is of such poor probative value or lacking in weight, such as to warrant a finding that, on the balance of probabilities, the conduct did not occur.
- d) false. This is finding where inquiries into the matter show reportable conduct or an act of violence did not occur).
- e) not reportable conduct. This is a finding where inquiries into the matter show the conduct was not reportable. For example, use of force that was trivial or negligible in the circumstances, conduct that was reasonable in the circumstances or accidental. This may include 'misconceived' matters, where inquiries into the matter show that, even though the allegation was made in good faith, it was based on a misunderstanding of what actually occurred and the incident was not reportable conduct.

The Principal will notify the Ombudsman of the findings of the investigation as soon as possible once it has been finalised and will also submit the investigation file to the Ombudsman (Employment Related Child Protection Division).

If the School makes any findings that sexual misconduct or serious physical assault has occurred the Principal will also notify the Office of the Children's Guardian.

Internal investigation of an allegation of conduct of a class or kind

Conduct of a class or kind is exempt from being reportable conduct by the Ombudsman under section 25CA of the Ombudsman Act. This is conduct that does not involve the use of physical force being applied to any part of the head or neck, or to any other part of the body likely to cause more than short term (or transitory) harm.

The Ombudsman and the AISNSW have agreed to certain arrangements in relation to class or kind matters. Meriden School is a member of the AISNSW and follows those arrangements.

If the allegation is determined to be a class or kind allegation, the Principal will:

- a) consult the AISNSW Child Protection Unit to notify them of the investigation and seek support and advice at key milestones throughout the investigation,
- b) appoint an AISNSW accredited class or kind investigator employed at the School to conduct an internal school investigation. The School currently has three such accredited investigators
- c) take appropriate risk management and any other action as a result of the investigation
- d) authorise the finalisation of the matter by completing and signing a final report
- e) forward, on completion of the investigation, a Notification of Completed Class or Investigation form to the AISNSW

The internal investigation by the School's accredited class or kind investigator will adopt the same procedures as those set out in sections 7.3-7.4 of the School's Child Protection Policy and Procedures which include procedures for interviewing the child, any witnesses and the PSOA to collect evidence, provision of allegations to the PSOA and an invitation for them to respond and the making of preliminary and final findings.

Internal investigation of an allegation of physical force ‘trivial or negligible’ matter

Allegations of ‘trivial or negligible’ use of physical force are exempt from being reported to the Ombudsman. However, they must be investigated and recorded by the School.

If the complaint or allegation is in relation to trivial or negligible use of physical force, the School’s internal investigation will adopt the procedures set out in sections 7.3 to 7.4 of the School’s Child Protection Policy and Procedures.

Internal investigation of conduct that does not involve child protection issues but may be professional misconduct or incompetence

If the Principal assesses that the complaint or allegation does not involve child protection issues but may be professional misconduct or incompetence, she will carry out a risk assessment and decide whether a formal investigation is necessary taking into account the nature of the complaint.

Providing information about the reportable conduct investigations to complainant

The School will, as appropriate, periodically update the complainant on the progress of an investigation. It is a matter of discretion for the Principal whether disclosure of information about an investigation and the outcome of an investigation to the complainant at any particular time is appropriate, taking into account the provisions of the Ombudsman Act (e.g. s25GA) and all the circumstances of the investigation.

The Principal will advise the complainant in writing that the complaint has been finalised.

Records

All records including all allegations, risk assessments, outcomes of internal investigations, findings and notifications are maintained by the Principal and located in a secure location in her office. The records are kept separate, but linked by reference, to the employee’s personnel file.

The records are to be confidential and access to the records is only available to the Principal or to other staff only with the Principal’s express authority.

Implementation, communication and accessibility

This policy and procedures are implemented and communicated to parents, students and staff by a combination of:

- publication of the full text of this document to all staff on the School’s intranet/eCentral (staff section)
- publication of the full text of this document on the School’s website and the School’s intranet / eCentral (parent section)
- staff training
- monitoring of the effectiveness of the policy
- reviewing and evaluating the policy and the School’s responses to complaints and grievances.

Related documents

Child Protection Policy and Procedures

Grievance Procedures - Staff