Montgrove College

Student & Parent-Guardian Grievance & Procedural Fairness Guidelines

Purpose

The Student and Parent/Guardian Grievance and Procedural Fairness Policy is intended to provide a mechanism for resolving disputes and/or grievances about actions, omissions and decisions made by Pared and member schools. The policy document specifies the process to be applied to complaints and grievances, including child protection-related complaints. The policy also sets out the appeal process.

Scope

This policy and procedure provide a guide to the management of grievances and complaints from students, parents/guardians and the broader school community.

Complaints may concern something that is happening at school which appears to be unsatisfactory or unreasonable. This may include a decision, behaviour, policy, procedure or omission.

A complaint is an expression of significant dissatisfaction with the policies, procedures or service provided by School. A complaint could be about, for example:

- Student disciplinary procedures
- Homework
- Damage/loss of personal property
- Student bullying

- Child protection or safeguarding issue
- School management and school fees
- Quality of teaching
- Breach of privacy
- School resources
- Work health and safety issues.

Where students with special needs are involved in any aspect of complaint resolution, every assistance will be given to them in-keeping with their education plan to ensure, so far as is reasonably practicable, that they may fully engage with the procedures detailed in this policy.

Child protection related complaints can be made under this policy. Additional specific complaint handling procedures are in place for matters concerning child protection and are set out in our **Child Protection Complaints Management Policy**. Other relevant policies include:

- Procedures for responding to and reporting child safety incident or concerns
- Support Following Child Safety Incident or Disclosure Policy
- Child Protection Record Keeping Policy.

Policy Statement

Our schools are committed to an open, fair and transparent process for responding to complaints and grievances. Our Policy is based on the principles of Procedural Fairness, which includes among other things:

- Informing the community about the policy
- Providing all parties with a fair and complete hearing
- Enacting consequences which are consistent, fair and commensurate with the seriousness of the matter
- Having an appeal process.

Guiding Principles

- Input is valued and respected
- People are treated with respect and courtesy
- Complaints are dealt with in a timely manner and all parties advised of delays
- Confidentiality will be maintained (where possible)
- Parties will be given procedural fairness, including a right to respond, a clear process, free from ambiguity and bias, and decisions will be based on evidence
- Staff members will be informed of formal complaints that are made relating to them
- College policies will be used, when appropriate, to resolve complaints
- Access to support for complainant and respondent
- Expectation that differences are resolved amicably
- A desire for future respectful relationships
- Compromise from all parties in order to find resolution.

There is an underlying assumption that complaints are made in good faith, with honest goodwill and intention for resolution. Complaints found to be vexatious will not be investigated.

How Should a Complaint Be Raised?

Complaints may be oral or written and written complaints include those sent by letter, fax, email or other forms of electronic communication. When an anonymous complaint is received, where possible, the complainant will be told of the limitations associated with making an anonymous complaint.

Parents and students are encouraged to raise issues of concern directly with the appropriate member of staff as most issues can be readily resolved through this direct contact.

Reporting a problem or concern

Complaints will be resolved at the lowest level of management necessary for their appropriate resolution.

Students and parents/guardians are encouraged to raise the issue directly with the person responsible for the decision or action/ inaction in the first instance.

Where this is not appropriate or not possible, the reporter is not happy with the response or reaction, or the complaint is very serious, complaints should be made to a more senior member of the school community or to the Headmaster (Wollemi and Redfield) or the Principal (Montgrove and Tangara).

Child protection related complaints

A child protection related complaint can be made by anyone including a student, former student, parent/carer, other family member, staff member, volunteer, contractor or member of the wider community.

A complaint therefore includes any disclosure, allegation, suspicion, concern or internal report of:

A breach of the school's Child Protection Codes of Conduct

A child safety incident or concern alleged to have occurred, be occurring or be at risk of occurring at school or a school event

Reportable Conduct

Other staff misconduct (such as a procedural breach of the Child Protection Program Concern about the response to or management of a child safety incident or concern including complaints alleging non-compliance with our Procedures for Responding to and Reporting Child Safety Incidents or Concerns.

Making a Child Protection-Related Complaint

Anyone can make a child protection-related complaint:

To a Child Protection Officer or a trusted staff member In person, in writing or over the phone.

Parents/carers, family members and other community members who have child protection concerns about the school, its students or staff members are asked to follow the procedures set out in our Child Protection Policy and to contact the school's Senior Child Protection Officer Harriet Witchell, by phoning 0421 114812 or emailing Harriet.witchell@Pared.edu.au or the CPO, or if the concern relates to the CPO, to the CEO.

Complaint Handling Procedures

Responding to complaints

- Informal complaints
- Formal complaints
- Staff Misconduct and Reportable Conduct Complaints
- Definition of Staff Misconduct
- Definition of Reportable Conduct
- Responding to Reportable Conduct and Staff Misconduct Complaints

Informal complaints

These are complaints or grievances of a minor nature that can be resolved by addressing the problem directly with the person responsible or in charge of the area of decision making. This may be a class teacher or Leader of Learning.

Formal Complaints

Formal complaints are responded to by the relevant person within the school leadership team. They may be responded to by the Headmaster or Principal of the school in collaboration with classroom teachers or other members of the leadership team.

The following process will be followed:

- Complainants should provide:
    - Details of the complaint or grievance and attend meetings with relevant staff if requested.
    - Enter into discussions with relevant parties with a genuine intent to resolve the complaint
- The Headmaster/Principal or their delegate,
    - Will collate all the relevant information about the complaint and provide an opportunity to the person subject of the complaint or decision, to respond to the complaint
    - If appropriate, interview any witnesses involved. This will be done carefully so as not to breach confidentiality
    - Where relevant, consult with all parties to reach an amicable resolution to the complaint. Where complaints relate to reportable conduct or staff misconduct refer to the relevant procedures below.
    - Implement outcomes from any complaint process and review actions at regular intervals as determined by each case.

Staff Misconduct and Reportable Conduct Complaints

Complaints regarding allegations of staff misconduct and Reportable Conduct are managed in a different manner to other complaints.

Under the Children's Guardian Act 2019 (NSW) (The Act), there is a legal obligation to investigate and report to the NSW Children's Guardian all allegations of Reportable Conduct made against staff as defined by the Act.

For the purposes of this policy, 'staff' and 'staff member' are defined to include teaching and nonteaching staff, volunteers, contractors and external providers.

Definition of Staff Misconduct

'Staff misconduct' is conduct by a staff member that:

- Breaches the Code of Conduct or other key policies/procedures
- Displays purposeful neglect of duties/responsibilities
- Involves alcohol and/or other substance abuse
- Is physically, verbally or emotionally abusive
- Endangers the safety or wellbeing of students or others

Definition of Reportable Conduct

The Act defines Reportable Conduct as:

- Any sexual offence or sexual misconduct committed against, with or in the presence of a child (including child pornography offences or an offence involving child abuse material) including grooming behaviours
- Any assault, ill-treatment or neglect of a child
- Any behaviour that causes significant emotional or psychological harm to a child.

Reportable Conduct does not extend to 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.

Some examples of conduct that would not constitute Reportable Conduct include touching a child to get their attention, guide them or comfort them, a teacher raising their voice to attract attention or restore order in a classroom, or conduct that is established to be accidental.

Note that these matters will be handled with confidentiality and thoroughly investigated in relation to NSW laws relating to child protection and safety.

Responding To Reportable Conduct and Staff Misconduct Complaints

All reports of staff misconduct or reportable conduct will be investigated in accordance with the principles set out in this policy.

When an allegation of Reportable Conduct is made, The CPO must notify the Children's Guardian and investigate the allegations. The investigation will be conducted in a child friendly manner and involve providing the person subject to the allegation an opportunity to respond to the allegations.

Affected child and their parents/carers must be informed about any Reportable Conduct investigation, unless it is 'not in the public interest' (Section 57 (3) Children's Guardian Act 2019) to inform them.

During the course of the investigation, parents/carers and the affected child will be informed of the progress of the investigation, the findings, and any action taken in response to the findings.

All Complaints

What are the possible outcomes?

If a complaint is upheld or sustained, the following are some possible outcomes depending on the nature of the complaint:

- An agreement between all parties
- A verbal or written apology
- The review of a policy or procedure
- Mediation
- Targeted professional development opportunity or training
- Dissemination of information
- Referral to counselling
- Directions about further interaction between the parties to the complaint
- Where a staff member is the subject of the complaint, disciplinary action may follow
- Where a student is the subject of the complaint, a range of sanctions as set out in the school discipline policy may be invoked.

If a complaint is not upheld or not substantiated (e.g. the evidence is insufficient on the balance of probabilities) but some issue comes out of the investigation that is required to be addressed, then possible outcomes include:

- Relevant training for staff or students
- Monitoring of behaviour of staff, students, or parents
- Counselling for the parties involved
- Mediation at local level
- Review of policy or procedure.

If the complaint is proved not to have happened at all, or if there is evidence that the complaint was made with the main purpose or intent of causing distress to the respondent the following are possible outcomes:

- Counselling for one or more of the parties involved
- A verbal or written apology from you
- Disciplinary action (where the person affected is a student or staff member) Sanctions as outlined in the **Parental Code of Conduct**.

Appeals

If this process does not resolve the complaint to the complainant's satisfaction, the complainant may request a meeting with the Headmaster or Principal and request a review. Where the complainant is dissatisfied with the actions of the Headmaster or Principal involved, they may refer the matter to the CEO of Pared.

The person conducting the review (The reviewer), may request meetings with relevant parties which will normally include the Headmaster or Principal, other relevant staff and the complainant. Parties to the complaint may have a support person attend any meetings. The reviewer will consider all relevant information, legislation, the wishes of the complainant and community standards in making a final decision.

All affected parties will be notified in writing that a review is taking place and of the final decision made by the reviewer.

Complainants or other persons involved in matters who are not satisfied with the management of a child protection related complaint, or its outcome may request an internal review of:

- The procedures undertaken
- Findings made
- Disciplinary actions proposed or taken
- Other outcomes (including a decision not to make a finding or to take disciplinary or other action)
- Requests for internal reviews should be made to the CEO of Pared.

Record Keeping

Records of complaints, interviews and other documentation relating to a complaint investigated will be kept in a restricted access file in accordance with our **General Records Management Policy**. Records related to child protection related complaints are kept indefinitely in accordance with the **Child Protection Record Keeping Policy.**