COMPLAINTS AND GRIEVANCES POLICY

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RATIONALE

St Augustine’s College, Sydney is open to the concerns of parents and students and any complaints will be received in a positive manner and will be taken seriously.

The purpose of this policy is to provide parents and students of the St Augustine’s College community, a framework for the timely and fair resolution to complaints.

This statement describes clear processes by which complaints and grievances between the College, parents and students may be speedily resolved to the satisfaction of all concerned.

Good relationships within the College give students greater opportunities to succeed. It is natural that parents at one time or another may have concerns about what happens at the College. To maintain good relationships, grievances or conflicts should be resolved so that all parties achieve satisfactory results.

The welfare of children in the College is paramount. Open criticism of any party in a complaint or grievance does not support the student’s education. Fair and open communication conducted within the procedures framework outlined here, ensures that the rights and responsibilities of all parties are respected.

To ensure that complaints are dealt with in a fair and transparent manner which gives cognisance to the legal obligation of the College in relation to its duty of care to the student but also guarantees procedural fairness and natural justice to the employee.

Caveat: Complaints, which may refer to sexual harassment or harm to children, are not addressed under this policy but are treated in the following:

a) Child Protection Policy
b) Sexual Harassment Policy
POLICY

St Augustine’s College - Sydney is committed to seeking feedback from parents, students and staff and to improving the quality and delivery of its services, policies and procedures based on that feedback.

The College acknowledges the right of parents and students to raise concerns they may have about the quality of services provided or about staff providing them and to have them addressed appropriately. Hence it will make available information about processes for managing complaints.

The College aims to address and seek to resolve all complaints in a timely manner and in accordance with the principles of honesty, transparency and justice to all concerned. No person making a complaint in good faith will be disadvantaged thereby.

DEFINITIONS

Complaint: An expression of dissatisfaction with a product or service provided by St Augustine’s College, Sydney.

Complainant: Any person making a complaint.

Grievance: An actual or supposed circumstance regarded as just cause for complaint.

Natural Justice: Natural justice principles include that:

• the respondent shall have a right to be heard before the decision is made;
• all parties to a complaint shall have the right to be heard;
• all relevant submissions and evidence shall be considered;
• matters that are not relevant shall not be taken into account;
• the decision-maker shall not be biased or appear to be biased.

Respondent: Someone who responds or makes reply to a complaint allegation.

REQUIREMENTS

The following requirements are necessary to the effective resolution of complaints and grievances:

1. Contact with the College
   • All personal matters, such as concerns regarding student, parent or staff relationships should be raised directly with the College.
   • Where the issue relates to school policy or matters beyond an individual classroom, the Principal should be the first point of contact.
   • If the matter relates to an individual student and/or an issue of everyday class operation, the student’s teacher and or Student/House Formation Leader will be the first point of contact.
• If this matter cannot easily be satisfactorily resolved, it should be referred to the relevant
Dean of School or the Head of School.

2. Time Frame
It is the obligation of all parties to deal with a concern as soon as practicable. In some cases
where external personnel or factors are involved, resolution might take longer than generally
expected.

PROCEDURES

1. Making a Complaint
Parents or students wishing to make a complaint against a staff member should in the first
instance contact the appropriate staff member. Please refer to:

“1. Contact with the College”.

A parent or student may contact the Principal at any time in relation to a complaint. However
such contact will not obviate the procedures laid out in this policy.

2. Addressing Complaints
• The determination about whether there has been any unsatisfactory / inappropriate practice
or action will be made as early as possible and in the fairest and most objective manner
possible. Resources deployed in addressing complaints will, in general, be proportionate to
the seriousness of the issue.

• Those handling complaints will:
  - clearly identify what support mechanisms and information sources are available to all
    parties involved in the complaints process;
  - provide opportunities for all parties in the complaints process to receive appropriate
    feedback on the outcome of the process;
  - maintain reasonable records of the complaint and formal discussions regarding the
    complaint.

Conflict of Interest
If in the course of resolving a specific complaint, the reporting line of the person with
responsibility within the process for investigating or resolving the complaint creates a real or
reasonably perceived conflict of interest, the complaint will be routinely referred to another
person who is independent of the conflict.

3. Response to Complaints
• Where, in the professional judgement of the Principal or staff member who has received the
complaint, there is a need for a complaint to be addressed, the teacher or staff member
concerned must be informed and involved.

• Provided the complaint does not relate to allegations of serious misconduct of sexual,
physical or emotional abuse, the parent or student (if appropriate) who has made the
complaint should, in the first instance, be requested by the Principal or staff member who
receives the complaint, to commit the concern to paper, providing sufficient detail for the
employee to understand the nature and context of the complaint.

• If the complainant is unable to commit the complaint to writing, then the person who
receives the complaint must record the particulars of the complaint in writing on the
person’s behalf.
• Anonymous complaints will not be responded to.

4. Exceptions
• While parents and students may from time to time raise concerns or complaints relating to an employee, not all matters will need to be raised with the staff member concerned. If, after initial investigation, the matter proves to be unfounded, vindictive or the complainant is not prepared to follow agreed process in documenting the complaint, proceedings will be terminated.

• Complaints not raised with the staff member concerned at the time must not be relied upon in any further disciplinary proceedings or professional contexts.

5. Process
• Where, in the professional judgement of the Principal or his delegate, there is a need for a complaint to be addressed or acted on, or it is in the best interests professionally or educationally, the employee must be informed of the complaint in writing.

• Employees are entitled to know the details of the complaint against them, including the name of the person raising the complaint, the specific details of the complaint, and are given the opportunity to respond prior to any action being taken in response to the complaint.

• It is unprofessional and a denial of natural justice for the name of the complainant and the details of the complaint to be withheld from the employee concerned. Such withholding of key information does not afford the employee an appropriate and adequate opportunity to respond to and address the complaint.

• The employee should be given the option of responding in writing or attending a meeting with the complainant with a view to determining whether resolution can be achieved.

• Where it is intended that there is to be a meeting of the employee concerned with the Principal, parents/students or other appropriate staff in relation to the complaint, the employee concerned should be told, in writing and with sufficient notice, the purpose of the meeting and who will be attending the meeting.

• The employee concerned will be given the opportunity to be accompanied by a representative of their professional union or a staff member of their choice. He/she will be involved in discussions about the resolution of the concern and any actions arising from the complaint, especially where this involves commitments/correspondence to the complainant.

6. Unresolved Complaints
• If, following the procedure outlined above, the complainant does not feel the matter has been resolved, the complainant may raise the concern with the Principal or his delegate who will:

  - discuss the matter further with the complainant and, if it is found that the complaint is genuine, will discuss the concern with the teacher or other staff member concerned; or

  - discuss the matter further with the complainant and, where the concern is based on misinformation, misunderstanding or is vexatious or misconceived, clarify the matter with the complainant.

• If the matter of complaint remains unresolved and if matters of disagreement or interpretation are unable to be resolved, the parties shall be offered mediation according to the following procedures:
7. **Confidentiality**
- Confidentiality shall be maintained at all stages of the complaint procedures with communication limited to those people who need to be informed in order to resolve the complaint. Details of a complaint shall be known only to those directly involved in its resolution.
- The identity of the person reporting the matter must not be revealed to any other person without that person’s knowledge and consent, unless it is required to be disclosed by law.

8. **Records**
- Records of the complaint, the process for handling the complaint and any outcomes should be kept.
- Where a complaint is addressed or acted on, a copy of any reports related to the handling of the complaint must be given to the teacher or staff member concerned. Teachers and staff members must have access to the files kept in relation to the matter by the College.
- Where the complaint is found to be vexatious or based on misinformation etc, any record pertaining to the complaint or handling of the complaint will be kept in a file separate from that of the teacher or staff member concerned.

9. **Grievance Procedure**
   If a teacher or other staff member believes that the process of handling the complaint and/or the outcome of the complaint have been unfair and/or inappropriate, he/she has the right to pursue grievance procedures. In such situations, the teacher or other staff member concerned should be granted access to all file notes.

10. **Natural Justice**
    In implementing this policy, the College will ensure that the principles of natural justice apply to complaint management, ie that:
    - all parties to a complaint shall have the right to be heard;
    - all relevant submissions and evidence shall be considered;
    - matters that are not relevant shall not be taken into account;
    - that the decision-maker shall not be biased or appear to be biased.
11. Communication of Policy

All stakeholders, ie parents, students and staff shall be provided with information about the Complaints and Grievance Policy and process. It will be readily available to the community on the College website, www.saintaug.nsw.edu.au.

VEXATIOUS COMPLAINTS

Those deemed to be mischievous, frivolous, malicious, misconceived, lacking in substance, not made in good faith or containing spurious information, and predominantly aimed at annoying, harassing and/or intimidating staff members.

Complaints found to be vexatious will not be investigated.