

## PORT MACQUARIE STEINER SCHOOL

### 9.11 COMPLAINTS AND GRIEVANCES POLICY

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<b>Reviewed date:</b> 25 <sup>th</sup> March 2021	<b>By:</b> C Meyer Millican	<b>Next review due date:</b> March 2022
<b>Associated policies:</b>	9.9 Discrimination, Harassment and Bullying Statement 9.1 Communication Policy 9.14 Internal Complaints Policy 9.5 Staff Code of Conduct 9.7 Privacy Policy 2.2 Student Code of Conduct 6.1 Parent, Guardian and School Community Code of Conduct 2.3 Student Wellbeing and Pastoral Care Policy	
<b>Associated Laws:</b>	<i>Education Act 1990</i> <i>Children and Young Persons (Care and Protection) Act 1998</i> <i>Children's Guardian Act 2019</i> <i>Privacy and Personal Information Protection Act 1998</i>	

#### INTENTION

To clearly outline the expectations of the school regarding complaints and grievances. This policy applies to all student and parent complaints including discrimination and harassment.

#### INTRODUCTION

Students and parents are encouraged to come forward with their matters of concern in the knowledge that the responsible staff will take prompt and effective action to address these concerns.

Complaints or grievances can often be worded as concerns. Identification of a matter as a complaint or grievance is a responsibility of school staff.

A complaint may involve unlawful discrimination if it contains allegations of unfair and inequitable treatment on the basis of a person's race, ethnic and ethno-religious origin or nationality, sex or sexual preference, age, disability, religious, or political affiliation. Unlawful harassment is unwelcome and offensive or intimidating behaviour, comments or images based on any of these grounds is unacceptable by the school.

The complaint may be against another student or staff member of the school. In certain circumstances, this policy may be used to deal with a complaint against a person who is not an employee or student at the school but who is involved in a school related activity.

For internal complaints from staff, volunteers or contractors – please refer to 9.14 Internal Complaints Policy

This policy is to be provided to the parents and guardians of the school in order to offer a mechanism for resolving complaints and grievances about matters relating to the school. It specifies a process to be applied to such matters when raised with the school and also makes clear that the school will decide the most appropriate method of dealing with the matter on a case-by-case basis and in accordance with this policy.

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The person raising the complaint or grievance is called the complainant. The person subject of the complaint or grievance is called the respondent.

#### POLICY

It is an expectation of the school that all complaints and grievances should be:

- Treated seriously and sensitively, having due regard to procedural fairness, confidentiality and privacy. Requirements relating to confidentiality and privacy extend to the use and storage of any information and records related to a complaint;
- Handled quickly and as close as possible to their source. This may be modified by the nature of the complaint and the complainant's wishes. Students and staff should raise concerns as early as possible; and
- Wherever possible, 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 complaint or grievance.

No person should be victimised because they raise a complaint or are associated with a complaint.

Students or parents should not instigate complaints that are frivolous or malicious. All students and parents are expected to participate in the complaints and grievance resolution process in good faith.

All complaints will be handled with procedural fairness. Procedural fairness is the application of the 'hearing rule' and the 'right to an unbiased decision' where decisions are to be made which affect the rights of others.

When students or parents bring their concerns to the school, we are committed to confidentiality and the steps below will involve only those who are absolutely necessary to resolve the concern. Your complaint will be dealt with fairly, efficiently, and promptly.

There may be circumstances in which some of the steps outlined below are not appropriate and the Head of School or School Board will determine, in their absolute discretion, on a case-by-case basis the most appropriate method of handling the complaint or grievance. Management staff will check that the procedure has been followed if a complaint or grievance matter is brought to them.

This complaint or grievance policy is not a term of any contract, including any contract of employment. This complaint or grievance policy may be varied from time to time.

All complaints received by the school will be handled in accordance with the school's Privacy Policy. All records relating to complaints and grievances are kept in the School's secure filing system. Depending on the nature of the complaint, these documents will be stored in the

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Complaints and Grievances file in the Head of School's locked filing cabinet or the School Board's locked filing cabinet.

#### PROCEDURE(S)

The school recognises that students, parents, and guardians may have complaints or grievances about matters at school, including:

- student and teacher relationships;
- parent or guardian and teacher relationships; and
- decisions made by other staff members which impact on students or other staff members' work.

The following complaint or grievance procedure applies to all students, parents, and guardians across the school.

If you have a complaint or grievance about unlawful discrimination, harassment or bullying please see the school's Discrimination, Harassment and Bullying Statement.

If you have a complaint regarding Child Protection, please raise this with the Head of School (or school Board, if the complaint involves the Head of School) immediately.

#### 1. Raising a Complaint

If you have a complaint, you should, if it is appropriate, try in the first instance to address the complaint with the person **directly** involved:

- Students can raise a complaint directly with their Teacher;
- Parents and guardians should raise a complaint regarding their child directly with their child's Teacher; and
- Parents and guardians should raise a complaint regarding other matters in the school directly with the Head of School.

Complaints and grievances that cannot be resolved directly with the person involved must be made in writing to the Head of School (or President of the school Board where the complaint or grievance directly relates to the Head of School)

Complaints or grievances lodged with the Head of School are included in the Head of School's monthly report to the school Board.

Anyone involved in lodging a complaint is requested to respect confidentiality in dealing with issues of concern and therefore refrain from discussing these issues with other members of the school community until the matter has been resolved.

#### 2. Receiving a Complaint

Often complaints may be received through a staff member who is required to refer the matter on to management.

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A complaint may be received by any staff member verbally, either in person or by phone, in writing via a letter or email.

Where a complaint is received by a staff member directly, the staff member must record the details, including contact information from the complainant.

**3. Response to a Complaint**

The person managing the complaint will acknowledge receipt of the complaint in writing and will determine the most appropriate method of dealing with the matter in accordance with this policy. This could include (among other things):

- a) requesting further information from you;
- b) requesting information from other peers, parents and guardians, co-workers or third parties;
- c) meeting with you or others involved in the complaint;
- d) reviewing and responding to the complaint or arranging for an appropriate person to review and respond to the complaint;
- e) facilitating a meeting between you and the person/s that the complaint is about (respondent/s);
- f) referring the complaint to the Head of School; or
- g) Head of School referring the complaint to the school Board.

**3. Investigation of the Complaint**

The person managing the complaint will generally take the following steps:

- a) determine the best method of handling the matter in accordance with this policy;
- b) advise you of the likely steps that will be undertaken by the school in relation to the complaint;
- c) advise the respondent/s of the nature of the complaint and seek their response;
- d) collect any additional information the school considers necessary to properly review the complaint; and
- e) call meetings, the purpose of which is to work out solutions that are agreeable to all parties. The complainant is welcome to bring along a support person who is able to commit to the full process if the matter is not resolved at this stage.

**4. Review of the Complaint**

If there is no resolution, or if the Head of School is the subject of the complaint, then the parent is required to put into writing a statement to the school Board. A time will be made for all those who are involved to meet.

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**5. Resolution of the Complaint**

Should this process fail to resolve the matter, or if the subject of the complaint is the Head of School, the complaint will be lodged with the school Board who will investigate the matter and seek resolution.

Advice will be given to both the complainant and the respondent/s of the school's response to the complaint and if appropriate, any proposed action to be taken.

**6. Referral to NESA**

If at any time, the complainant is dissatisfied with the school's response to the complaint or grievance, they may lodge the complaint with the NSW Education Standards Authority (NESA). NESA will require that the school's complaints and grievance policy and procedure has been followed.

**7. Opportunities for Improvement**

The person managing the complaint is expected to raise and or address systemic issues identified from complaints and use the information gained from complaints for improvement, where possible. Any improvements or opportunities identified are to be implemented by the staff member in line with their role, responsibilities, and delegations.

**RESOURCES**

There are no resources associated with this policy.

**REVIEW**

This policy will be reviewed annually.