



NEWCASTLE
GRAMMAR
SCHOOL

Complaints and Grievance Resolution Policy and Procedures – School Community

Policy Number (PN): 3.6.2.4

Last Revised: August 2023



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Policy Name: **Complaints and Grievance Resolution Policy and Procedures – School Community**

Last Revised: 10 August 2023

1. Purpose

The purpose of this policy and procedures is to facilitate the resolution of a dispute or complaint and to outline the principles applied to the handling and resolving of all disputes and complaints made to the School involving staff, students and parents. The staff members of the School include employees, contractors and volunteers.

A complaint or grievance is an expression of dissatisfaction made to the school about an educational and/or operational matter relating to services provided by the school or the behaviour or decisions of a staff member, contractor or volunteer, including misconduct.

Complaints may be made by a student or parent/carer. The Internal Complaints and Appeals processes are conciliatory and non-legal. The school will seek to resolve complaints informally where possible but acknowledges that in some cases a person may wish to make a formal complaint.

This policy and procedures does not extend to personal grievances between parents, guardians or other members of the School community.

2. Child Protection Allegations

By their nature, allegations of a child protection nature are handled differently to complaints or grievances. Complaints about Reportable Conduct will be addressed in accordance with the School's *Child Protection Policy*. Complainants are not required to assess whether their concern meets the threshold of Reportable Conduct before making a complaint. Any concern about a child's wellbeing may be reported under the School's *Child Protection Policy*. **If you believe that a child is at risk, contact the Head**

of School immediately using the methods below:

Email Kate Grogan – kate.grogan@ngs.nsw.edu.au

Phone Kate Grogan – 02 4929 5811

3. Scope

Complaints against other Students

Grievances brought by a student against another student will be dealt with under the School's *Behaviour Management Policy*.

3.1 Staff

Complaints regarding a grievance between staff members about work matters, including work relationships and decisions made by other staff members which impact on their work, will be addressed in accordance with the school's *Complaints and Grievance Resolution Procedure and Policy (Staff)*.

Complaints regarding unlawful discrimination, harassment or bullying between staff are generally addressed in accordance with the school's *Discrimination, Harassment and Bullying Policy - Staff*.

3.2 Whistleblowing complaints

This procedure does not extend to complaints which are whistleblowing disclosures. The procedures for processing whistleblowing complaints are outlined in the School's *Whistleblower Policy*.

In summary a whistleblowing disclosure is a disclosure which:

- is made by a Board member, staff member, a person who supplies goods or services to the school, including a volunteer, an employer of a supplier or a relative of any of these people;
- involves alleged misconduct, an improper situation or circumstances, or illegal activity, and
- is made to a senior staff member, or officer of the school, the school's auditor or a person who the school has authorised to collect such disclosures.

4. Principles

Employees of Newcastle Grammar School are responsible for managing the resolution of enquiries, concerns, complaints and disputes lodged by students, parents and members of the community. Staff will make every effort to resolve all enquiries, concerns, complaints, and disputes promptly and in accordance with procedural fairness/natural justice.

The Head of School is responsible for establishing and maintaining processes for the management and review of enquiries, concerns, complaints and disputes.

A Complaints Register is kept by the PA to the Head of School. Complaints are reviewed regularly by the School's Executive staff.

The following principles apply:

- The wellbeing of a student or group of students is a priority.
- The process is accessible to all parties, including students currently enrolled with special needs, and including gifted and talented students; and there is a commitment to cooperation by School Staff.
- Procedural fairness is offered to all parties.
- The subject of the complaint is informed of its substance.
- Confidentiality is always maintained as appropriate. The process of this grievance procedure is confidential and any complaints or appeals are a matter between the parties concerned and those persons directly involved in the complaints handling process.
- Complaints are monitored and their management evaluated to pre-empt systemic/recurring issues.
- All persons in the School community are entitled to respect and courtesy.
- Complainants are entitled to be dealt with fairly and promptly.
- Procedures for lodging a complaint are communicated to the School community.
- The Head of School will appoint an independent investigator as required when dealing with a complaint.

5. Informal Complaints Resolution

- Newcastle Grammar School requires that there is a prior attempt to informally resolve the issue through mediation or informal resolution of the complaint.
- To attempt mediation/informal resolution of the complaint, the student (or parent on behalf of the student) should contact the Head of House (7-12), Head of Student Wellbeing K-6 or the K-6 classroom teacher for complaints about student welfare, and the classroom teacher for complaints about the quality of teaching or other academic matters.
- If the matter cannot be resolved through mediation/information resolution, it will then be referred to the Deputy Head of School, Director of Studies, Director of Teaching and Learning or Head of Primary and the School's internal formal complaints and appeals handling procedure will be followed.
- If resolved informally, the staff member receiving the complaint will provide information about the complaint and its resolution to the Head of School for inclusion on the Complaints Register and for record keeping purposes.
- If the complaint is not or cannot be resolved informally, follow '**Procedures – Raising a formal complaint**' (below).

6. Procedures – Raising a formal complaint

After following the Informal Complaints Resolution process, if a successful outcome is not achieved, students, parents or members of the community may lodge a formal complaint with the Head of School. This may be about the provision of education; conduct of a School employee; or a member of the School community. (Please see above '**Child Protection Allegations**' for the process to follow if the concern relates to child protection or the safety or welfare of children).

Complaints will be handled promptly, confidentially and according to procedural fairness. Appropriate confidentiality will be maintained between parties involved and support persons (Unions or Professional Associations).

Where a person wishes to make a formal complaint concerning the Head of School, the complaint should be made in writing to the Chair of the Board, via email to chairperson@ngs.nsw.edu.au. In this situation, the references in this policy relating to the role of the Head of School should be read as references to the Chair of the Board.

The formal grievance process will commence within five (5) working days of the lodgement of the complaint or appeal to the Head of School.

Once the Head of School has made a decision regarding the complaint or appeal, the student will be informed in writing of the outcome and the reason(s) for the outcome. If the grievance procedure finds in favour of the student, Newcastle Grammar School will immediately implement the decision and any corrective and preventative action required.

Newcastle Grammar School undertakes to finalise all formal grievance and appeal procedures within ten (10) to fifteen (15) working days. In the case of a formal grievance that relates to an overseas student who is attending NGS on a Subclass 500 Student Visa, these must be finalised within 10 working days as per the CRICOS requirements.

In the first place, we encourage anyone raising a formal complaint or grievance to do so via email to kate.grogan@ngs.nsw.edu.au.

The Head of School will:

- Acknowledge receipt of a formal complaint in writing as soon as practicable.
- Assess whether the complaint is one to be addressed under this policy or is a staff grievance or Reportable Conduct matter which are addressed by the relevant policies.
- Assess the priority of the complaint in accordance with the urgency and/or seriousness of the matter raised.
- Assess whether the school may be required to report the matter to the Office of the Children's Guardian, Police, Department of Communities and Justice or other relevant authorities, should the complaint relate to possible unlawful conduct or other reportable matters.
- Advise the complainant of the likely steps that will be undertaken by the School in relation to the complaint.
- If appropriate, advise the relevant parties of the complaint at the relevant time and provide them with an opportunity to respond.
- Collect any additional information the School considers necessary to assess the complaint.
- Make a decision about how the complaint will be resolved ("resolution decision").

- Advise the complainant in writing, and any other relevant parties as appropriate, of the resolution decision of the Head of School and if appropriate, any proposed action to be taken.

There may be circumstances where some of the steps outlined above are not appropriate and the School will determine, on a case-by-case basis, the most appropriate method of handling the complaint.

In some cases, a senior member of staff or external investigator will be appointed by the Head of School to investigate the incident or claim. This person follows direction from the Head of School and must act according to the principles of procedural fairness. The investigator will inform the Head of School of the findings of the investigation. The Head of School will inform the claimant and the respondent of the findings. In the case of International Students a suitable interpreter will be provided for the duration of the procedures (if required).

Additionally, the Head of School will:

- Maintain confidentiality and impartiality.
- Ensure complaints are resolved.
- Create and maintain confidential records relating to the resolution of complaints.
- Ensure that procedures for resolving complaints are communicated to Staff and parents.
- Ensure complainants and respondents are aware that they can have a support person present during discussion. However, the School maintains the right to determine whether the person's preferred support person is appropriate and may not approve the attendance of a support person where they are determined by the School to be inappropriate.

7. Internal Complaints and Appeals

- Where the Internal Complaints and Appeals process is being accessed because the student has received notice from the School that the School intends to report the student for unsatisfactory course attendance, unsatisfactory course progress or suspension or cancellation of enrolment, the student has 20 days from the date of notification in which to lodge a written appeal.
- Internal Complaints and Appeals processes are usually available to students/parents at no cost. Should a cost be incurred then the student will be advised of the minimal amount involved.
- Each complainant has the opportunity present his/her case to the Head of School.
- Students or parents may be accompanied and assisted by a support person at all relevant meetings.
- The student is required to maintain normal enrolment and attendance at all classes during the appeals process unless the School determines otherwise.

8. External Appeals Process

- If the complaints procedure does not find in favour of the student or the student is dissatisfied with the result of the complaints procedure, the student will be informed of the External Complaints and Appeals process available at minimal or no cost.
- The external body used for Newcastle Grammar School's External Complaints and Appeals processes is the Association of Independent Schools NSW (AISNSW).
- International Students may also contact the Commonwealth Ombudsman for Overseas Students. More information is available at <https://www.ombudsman.gov.au/complaints/international-student-complaints>

9. Definitions

- Working day – any day other than Saturday, Sunday or public holiday during term time.
- Support person – a friend/teacher/relative not involved in the grievance. It should be noted that the student's lawyer and/or education agents are not regarded as acceptable support persons at internal stages of the complaints handling process.
- Parents also means guardians, carers or persons legally responsible for a child or children.

10. Related policies:

- *Child Protection Policy*
- *Child Protection – Reportable Conduct Policy*
- *Behaviour Management Policy*
- *Complaints and Grievance Resolution Procedure and Policy (Staff).*
- *Discrimination, Harassment and Bullying Policy – Staff*
- *Note Taking and Record Creation Policy and Procedures for Staff*
- *Communications Policy and Procedures for Staff*
- *Whistleblower Policy*
- *Overseas Students Policy*

Policy Related legislation:

- *Australian Human Rights Commission Act, 1986*
- *Anti-Discrimination Act, 1977*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Child Protection (Working with Children) Act 2012*
- *Children's Guardian Act 2019*
- *Crimes Act 1900*

Document History

Revision	Date	Revision Description	Name & Department
1.0	10 August 2023	Changed to reflect AISNSW document and edited other areas requiring attention	Deidre Lau, Strategy and Performance

APPENDIX

PROCEDURE IN THE CASE OF A COMPLAINT OR GRIEVANCE

