

Richard Gill School

Complaints and Grievance Policy

Prepared: 5 August 2020

Revision history

Version Number	Changes made	Person responsible	Date updated
<i>Version 1.0</i>	<i>Document creation</i>	<i>C. English</i>	<i>5 August 2020</i>
<i>Version 2.0</i>	<i>Review & formatting</i>	<i>C. English</i>	<i>11 May 2021</i>
<i>Version 3.0</i>	<i>Rationale and Parent refusal to engage in confliction resolution processes</i>	<i>C. English</i>	<i>03 May 2022</i>
<i>Version 4.0</i>	<i>AISNSW and GG support</i>	<i>C. English</i>	<i>15 February 2024 BOARD APPROVAL - 22 February 2024</i>

Communication strategy

Manager/staff	Type of communication	Person responsible	Frequency
<i>Principal</i>	<i>Email</i>	<i>C. English</i>	<i>One off and after each change</i>

Complaints and Grievance Policy

Policy

The Richard Gill School (RGS) Complaints or Grievance Policy and Procedures is to provide stakeholders (students, parent(s)/carer(s) and members of the wider school community with the opportunity to raise issues and access procedures to facilitate the resolution of a dispute or complaint.

A complaint or grievance is an expression of dissatisfaction made to the school where a response or resolution is explicitly or implicitly expected. A complaint circumstance, or situation, may relate to the educational and/or operational services provided by RGS, including the complaints handling process itself. A complaint or grievance may also relate to the behaviour or decisions of staff (employees, contractors, students on placement and volunteers), including misconduct or reportable conduct.

This policy deals only with complaints received from stakeholders or members of the wider school community of Richard Gill School. It does not extend to complaints relating to whistleblowing disclosures. The procedure for processing whistleblowing complaints is dealt with in accordance with the RGS *Whistleblowing Policy*.

Key Principles for complaints handling

RGS has responsibility to act wisely and justly in relation to issues of conflict that have the potential to cause a breakdown in relationships between members of our school community.

Procedural fairness is a basic right of all when dealing with authorities. Procedural fairness refers to what are sometimes described as the 'hearing rule' and the 'right to an unbiased decision'.

The 'hearing rule' includes the right of the person against whom an allegation has been made 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 will be considered;
- respond to the allegations;
- know how to seek a review of the decision made in response to the allegations.

The 'right to an unbiased decision' includes the right to:

- impartiality in an investigation and decision-making;
- an absence of bias by a decision-maker.

Complaint management

RGS aims to make the complaints management process as simple and accessible as possible. To manage complaints effectively, RGS has established a Complaints Handling framework in line with the Australian and International Standard for Complaints Handling (AS ISO 10002-2006).



The School seeks to understand the complaint from the complainant's point of view and to ensure that complaints are thoroughly investigated on their merits, in an equitable, impartial, objective and unbiased manner.

In managing complaints, the School will:

- Provide information to the school community about where and how written complaints should be made.
- Advise the complainant of the likely steps that will be undertaken by the School in relation to handling the complaint.
- Advise the relevant parties of the complaint at the relevant time and providing them with an opportunity to respond, if appropriate.
- Keep complaints confidential and ensure that personal identifiable information about complainants and about any person that is the subject of the complaints is only available for the purpose of addressing the complaint. This confidentiality guarantee does not apply where there are threats of physical violence or where child abuse is suspected or reported.
- Ensure that complainants are kept informed as to the progress of their complaint and that complaints are resolved as quickly as possible.
- Maintain secure accurate records relating to complaints and the information collected in the complaints handling process that only accessible by the Principal/delegate.

The RGS *Complaints or Grievances Policy* can be accessed on the RGS School website. It may also be obtained on request to the Principal or Chair of the School Board.

Procedure

1. Procedure for general complaints or grievances

Informing of stakeholders about school procedures

At the enrolment interview, the student and their parents/carers are informed of their rights, responsibilities and of the procedure for raising complaints or grievances.

At the commencement of their employment/engagement the Principal/delegate provides all staff, volunteers, and student placements with a copy of the school *Complaints or Grievances Policy*. The Principal/delegate discusses the policy and processes by which student, parents/carers and members of the school community are required to raise complaints and grievances with the school and how these will be responded to by RGS.

Raising complaints or grievances

Students

Students should in the first instance approach the staff member and attempt to resolve the concern. Staff members should respond by the end of the next working day.

Should the concern not be resolved, students should approach their Class Teacher, or the Principal if the issue involves the Class Teacher and may do so with parents/carers support. If the matter cannot be resolved through mediation, the matter will be referred in writing to the Principal.

The student's parents/carers should notify the School in writing of the nature and details of the complaint. The Principal will arrange meetings for the complainant and the person against whom the complaints is made to provide the opportunity for each to present their case. Students should be accompanied by a support person.



If this meeting is unable to reach a resolution, the RGS procedures for responding and managing complaints will commence within 10 working days of the lodgement of the complaint with the Principal.

Parents/carers and members of the school community

Staff members receiving a verbal complaint or grievance should listen and acknowledge the concern raised by complainant's concern. Staff required outline to the complainant the school's complaints handling process and record the information concerning the complaint.

If parents/carers or member of the school community raise a complaint or grievance with any staff member, the staff member must immediately direct the complainant to lodge their complaint in writing with the Principal.

All complaints or grievances should be made in writing to the Principal's secure, private school email principal@rgs.nsw.edu.au or by letter in a sealed envelope marked Private and Confidential, Attention Principal, Richard Gill School and posted to the school address or delivered in person to Reception.

When a written complaint is received, the Principal/delegate will record and lodge the complaint in the Complaints Register in the secure complaints or grievances file accessible only to the Principal/delegate.

If the complaint relates to the Principal, it should be made in writing to the Chair of the School Board secure school email address chair@rgs.nsw.edu.au or by a letter in a sealed envelope marked Private and Confidential, Attention Chair of Richard Gill School Board and posted to the school address or delivered in person to Reception

Responding to Complaints or grievances

The Principal or Chair of the School Board will notify the complainant in writing (email) within 10 working days of receiving their written complaint to inform them that the complaint was received and any relevant information in relation to the handling of the complaint.

The Principal will make an assessment about the nature-of the complaint to determine the appropriate course of action, including:

- whether the complaint is one to be addressed under this policy or is a staff grievance or reportable conduct matter which are dealt with by the relevant policies.
and
- the priority of the complaint in accordance with the urgency and/or seriousness of the matter raised. and
- whether the school may be required to report the matter to the Police, Department of Communities and Justice (DCJ) or other relevant authorities should the complaint relate to possible unlawful conduct or other reportable matters.
and
- the most appropriate person to investigate (the investigator) the complaint or grievance.

In cases where complaints relate to criminal matters or child protection, they will be referred directly to the police and/or the mandatory reporting line and to the Chair of the School Board.

When responding to a complaint the Principal/delegate will apply the following process:

- Advise the person against whom the allegation is made of the allegation or complaint;
- Provide the person against whom the allegation is made will be given an opportunity to respond.
- If appropriate, may conduct mediation to achieve a resolution.
- Inform the complainant of the pathways for appeal if they are not satisfied with the end result.

- Determine, in the event that it is not the Principal, the most appropriate person to investigate the complaint (investigator).

The complainant will be advised by the Principal that they may have an advocate/support person that is agreed upon by both parties at any stage of the complaint process and who may be present at any meeting with representatives of the School about the complaint. 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.

Managing the complaint

The Principal/delegate will in general manage a written complaint by:

- Advising the complainant of the likely steps that will be undertaken by the School in relation to the complaint.
- Advising the relevant parties of the complaint at the relevant time and providing them with an opportunity to respond, if appropriate.
- Collecting any additional information the School considers necessary to assess the complaint.
- Ensuring that investigator, in the event it is not the Principal, receives all relevant information regarding the complaint.
- Making a decision about how the complaint will be resolved ("resolution decision").
- Advising the complainant in writing, and any other relevant parties as appropriate, of the resolution decision of the Principal/delegate 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 Principal/delegate will determine, on a case by case basis the most appropriate method of handling the complaint.

When interviewing the complainant and/or the person about whom the complaint concerns and other relevant parties, the interviewer should:

- Make sure that they are given a copy of the school's *Complaints and Grievance Policy* and discuss the steps that can and should be taken.
- Discuss the issues with the complainant in a calm and reasonable way.
- Provide the opportunity for all parties to give their story.
- Keep an open mind.
- Clarify with complainant what they perceive as an appropriate/reasonable outcome.
- Clearly explain the actions that will be taken to follow up on the complaint.

Due to the nature of certain allegations, there may be an external investigator handling the complaint. The School will work with this external investigator to ensure the correct procedure is undertaken. This may increase the length of the investigation.

The investigator (if it is not the Principal) will provide the Principal with regular updates on the progress of the investigation and the Principal will inform all parties on the progress and the process undertaken.

Once all the relevant information has been obtained by the investigator, it will be provided to the Principal. The Principal/delegate will:

- enter into the recording sheet in the file(s) the dated and signed written complaint; and
- maintain all the information and documentation relating to the matter in the secure complaints hard and/or electronic file(s).

The Principal/delegate will contact the complainant verbally and/or in writing to arrange a meeting to:

- Discuss the findings of the investigation.
- Seek to find a satisfactory/acceptable resolution to the complaint.
- Record the outcome of the complaint in the School secure complaints register.

If a complaint is unable to be resolved satisfactorily, it will be referred by the Principal to the Chair of the School Board.

If any complainant is dissatisfied with the final decision, the complainant will be informed by the Principal that they have the right to appeal to the Chair of the School Board.

Following the resolution of a complaint, the Principal/delegate will seek assurance from the complainant that they are comfortable accessing the school and advise them that they will not be intimidated or victimised in any way within the school. The Principal/delegate will deal with any intimidation or victimisation immediately in accordance with the relevant RGS policies and procedures.

2. Procedure for complaints about staff misconduct or reportable conduct

These procedures are for students, parents/carers or members of the wider school community (stakeholders), to raise a complaint or allegations of staff misconduct or reportable conduct. For all other complaints the *Procedures for General Complaints or Grievances* in Section 1 of this document should be followed.

Misconduct and/or Reportable Conduct are clearly defined in RGS Child Protection Policy and stakeholders are encouraged to refer to this to clarify these terms.

Notification of a staff misconduct or reportable conduct complaint

All complaints or allegations relating to staff misconduct or reportable conduct should be made in writing to the Principal's secure, private school email principal@rgs.nsw.edu.au or by letter in a sealed envelope marked Private and Confidential, Attention Principal, RGS and posted to the school address or delivered in person to Reception

When a written staff misconduct and reportable conduct complaint or allegation is received, the Principal or person authorised by the Principal will record and lodge the complaint in the in the secure Child Protection folder. This folder can only be accessed by the Principal or persons with the Principals specific authorisation.

All complaints or allegation of staff misconduct and reportable conduct that are received will be handled with confidentiality by the school and the same will be requested of all parties involved.

If the complaint relates to the Principal, it should be made in writing to the Chair of the School Board secure school email address chair@rgs.nsw.edu.au or by a letter in a sealed envelope marked Private and Confidential, Attention Chair of Richard Gill School Board and posted to the school address or delivered in person to Reception.

Managing a staff misconduct or reportable conduct complaint



The school will manage any complaint or allegation of staff misconduct or reportable conduct from students, parents/carers or other members of the school's community in accordance with RGS *Child Protection* and *Complaints or Grievances* policies and procedures.

The Principal/delegate or Chair of the School Board will consider the complaint to determine how the complaint or grievance will be responded to and will seek advice from the appropriate authorised organisation such as, Association of Independent Schools NSW [AISNSW]).

The Principal/ delegate or Chair of the School Board will provide the complainant as soon as possible with an acknowledgment in writing (email) of receipt of the complaint or allegation of staff misconduct or reportable conduct. They will advise the complainant that the School's *Child Protection* and *Complaints or Grievances* policies and procedures will be followed in relation to this matter. In this particular case no time specific frame can be given as all cases are treated individually, however these matters will be addressed in a timely fashion.

In the event that Principal/ delegate or Chair of the School Board receive complaints or allegations of serious sexual or physical assault, they will immediately be referred to the Police and Department of Communities and Justice (DCJ). Further investigations by the school will not occur until the police and DJC advise the school it is safe to continue investigations.

The Responsible Persons of Richard Gill School will notify NESAs within fourteen (14) days of being notified by the relevant authority that they have allegedly breached child protection legislation.

If the complaint is investigated, the Principal/ delegate or Chair of the School Board may periodically update the complainant of the school's progress, only if it is deemed appropriate to do so. No details will be given to the complainant or anyone other than legal authorities.

Resolution of a staff misconduct or reportable conduct complaint

The Principal/delegate or Chair RGS School Board will inform the complainant by email that a complaint has been finalised in line with the Ombudsman's Act and privacy legislation regarding disclosure of information about an investigation and the outcome of an investigation.

Related documents:

- Student Behaviour Management Policy
- Child Protection Policy
- Notifications to NESAs Policy