

Parent, Student and Staff Complaint and Grievances Policy and Procedures

Zahra Grammar School



Parent Student Staff Complaint and Grievances Policy & Procedures

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Contents

| | |
|--|-----------|
| Parent/Student/Staff Complaint and Grievances Policy..... | 4 |
| What is a complaint? | 4 |
| Zahra Grammar School's Commitment | 4 |
| Informal Complaints Resolution | 4 |
| How do I make a formal complaint?..... | 4 |
| Procedural Fairness..... | 5 |
| School's Internal Complaints Handling Process..... | 6 |
| School Staff Training Procedure..... | 7 |
| Confidentiality | 7 |
| Complaints and Allegations of Staff Misconduct or Reportable Conduct | 7 |
| Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct..... | 8 |
| Introduction | 8 |
| Definition of Staff Misconduct..... | 8 |
| Definition of Reportable Conduct..... | 8 |
| Making a Complaint or Allegation of Staff Misconduct or Reportable Conduct | 9 |
| Investigating and Managing Staff Misconduct and Reportable Conduct | 9 |
| Staff Misconduct..... | 10 |
| Reportable Conduct..... | 10 |
| Making a Finding of Reportable Conduct | 10 |
| Disclosing Information to Zahra Grammar School Community | 11 |
| Where to Find More Information | 11 |
| References..... | 12 |
| Addendum 1..... | 13 |

Parent/Student/Staff Complaint and Grievances Policy

Zahra Grammar School welcomes feedback from all members of Zahra Grammar School community and takes all complaints or concerns that may be raised seriously. This Complaints Handling Policy is designed to assist you to understand how to make a complaint.

What is a complaint?

A complaint is an expression of dissatisfaction made to Zahra Grammar School, related to our services or operations, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected.

Complaints and allegations of staff misconduct or reportable conduct are managed separately to other complaints. **Refer to the section at the end of this policy - Complaints and Allegations of Staff Misconduct or Reportable Conduct for more information.**

Zahra Grammar School's Commitment

Zahra Grammar School is committed to handling complaints effectively and efficiently.

Complaints are received in writing or by emails. Regular analysis of complaints received and the implementation of rectification action, where deficiencies are identified, are key to the Zahra Grammar School's commitment.

Informal Complaints Resolution

The vast majority of issues causing concern in schools can be handled quickly and in an informal manner. In most cases these issues can be resolved through informal discussions with appropriate staff members.

Even if an issue can be resolved informally, staff are requested to log issues through our Complaints Handling Form, so we can identify any systemic issues arising and take appropriate rectification action.

How do I make a formal complaint?

We ask that, where appropriate, you first raise the matter directly with the relevant staff member. If you have been unable to resolve a matter informally, or simply wish to make a formal complaint you can do so by any of the following means:

1. Sending an email to principal@zahragrammar.nsw.edu.au

2. Writing a letter to the Zahra Grammar School addressed to “The Complaints Handling Manager”
3. Telephoning the Zahra Grammar School and asking to speak to the Complaints Handling Manager
4. Completing Grievance Complaint Form available from the school front office
(Addendum 1-2)

All formal complaints will be logged into our online complaints management system and managed in accordance with the following procedure.

Procedural Fairness

The principles of procedural fairness are fundamental to the success of our school. As such, our practices and procedures at all levels are closely guided by the values of procedural fairness. Procedures which have been developed for parents, staff and students will adhere to the guidelines of procedural fairness to ensure a fair and just process for all. The essential elements of procedural fairness are:

The right to be heard:

This includes the right to know of any allegation and the way in which issues will be determined. It also provides the right of the student to respond to or explain their version of any allegation.

Impartiality:

Any bias or perceived bias should be removed from the process. This may mean involving other staff in the process.

Justice:

The consequence of inappropriate behaviour should be reasonable, consistent and appropriate.

When advised of the allegation, the student and parents will be informed of the procedural steps to be followed in dealing with the matter. In relation to all matters to be investigated, students will be informed of the nature of the allegation and given an opportunity to respond to the allegations. This may involve students giving an account of the incident. This may also involve a meeting with the student and their parents/caregivers. A record of all meetings will be kept in a secure place.

The sanctions imposed will vary according to the seriousness of the behaviour, the age and the prior record of the student. At the lower end of the scale, an apology or detention may be appropriate. For more serious breaches, the behaviour could result in suspension or expulsion, following a process incorporating the principles of procedural fairness.

If your complaint relates to alleged staff misconduct or reportable conduct please make your complaint to **the Principal**, or if this person is the subject of your complaint please notify the Policy and Compliance Coordinator.

School's Internal Complaints Handling Process

- Step 1** All complaints are received by the school office and passed on to the school coordinator who is also the school's complaint handling manager. If the complaint is against the coordinator then it is passed on to the Principal and if the complaint is against the Principal then it goes to the Policy and Compliance Coordinator
- Step 2** All valid complaints will be acknowledged in writing, as soon as practicable, and allocated a status, priority and target resolution date. It is our policy, where possible, to resolve all disputes within 14 days.
- Step 3** The Complaints Handling Manager shall conduct an investigation into the issues raised, following principles of procedural fairness and arranging meetings with concerned parties to make a determination.
- Step 4** Following the determination, if appropriate, the Complaints Handling Manager shall formulate a resolution and provide a written response to the complainant. The matter will be closed if this response is accepted.
- Step 5** If the initial response is not acceptable the matter will be reviewed internally by the Principal or the Principal's delegate, who may seek additional information or submissions from the relevant parties. The Principal or their delegate seek to resolve all disputes within 14 days from the date that the review process is initiated. The matter will be closed if the response of the Principal, or their delegate, is accepted.
- Step 6** All complaints received will be entered into our Complaints Register and, where appropriate, a corrective action request will be made to address any underlying processes which the complaints investigation revealed may require improvement.

Step 7 If the complainant is unsatisfied with the decision, they have a right to appeal for further review of the decision. They may use the Appeal of investigation Form (*Addendum 3 – 4*).

Step 8 If the matter still remains unresolved, the complainant may pursue external resolution alternatives.

School Staff Training Procedure

1. Staff are trained during Staff Professional Development Days
2. Staff are briefed during staff meetings by the Principal/Coordinator
3. Staff are informed about the policy and the procedures by sharing this information on Google's Shared Drive.
4. Participating or attending webinars
5. The principal brief the staff about the distinction between a general complaint and an allegation about a staff misconduct in the beginning of every term or whenever required.

Confidentiality

Confidentiality applies with respect to both information relating to the person making the complaint, and, if relevant to a person against whom a complaint is made. The Zahra Grammar School is committed to maintaining the confidentiality of information throughout the complaints process.

Personally identifiable information about a complainant will only be made available for the purpose of addressing the complaint and (unless the complainant consents) will be actively protected from disclosure.

Complaints and Allegations of Staff Misconduct or Reportable Conduct

Complaints and allegations of staff misconduct and/or reportable conduct are managed by the Zahra Grammar School in a different manner to other complaints. This is because the Zahra Grammar School has legal obligations to report certain staff misconduct to external authorities. Staff misconduct is a broad term that could

include breaches of professional boundaries, codes of conduct or standards of behaviour.

Definition of Staff Misconduct

Zahra Grammar School defines “staff misconduct” as conduct by a staff member that:

- breaches Zahra Grammar School’s 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 at Zahra Grammar School

Definition of Reportable Conduct

The Children’s Guardian Act defines reportable conduct as including:

- 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

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

Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct

Introduction

Complaints regarding allegations of staff misconduct and reportable conduct are managed in a different manner to other complaints received by Zahra Grammar School. This is because often these complaints are of a sensitive nature and raise potential privacy and confidentiality issues.

Zahra Grammar School requires all staff to comply with a Code of Conduct and standards of behaviour that are intended to prevent staff misconduct and reportable conduct, and staff are encouraged to report any breaches of the Code or standards.

It is also critical that the broader Zahra Grammar School community reports staff misconduct and reportable conduct (both defined below) to ensure the safety and wellbeing of students, and that Zahra Grammar School complies with its legislative reporting obligations. Zahra Grammar School has a legal obligation to investigate and report to the NSW Children's Guardian all allegations of reportable conduct made against staff at Zahra Grammar School as defined by the Children's Guardian Act 2019 (NSW) (Children's Guardian Act).

For the purposes of this policy, "staff" and "staff member" is defined to include teaching and non-teaching staff, Board members, volunteers, contractors and external providers.

Making a Complaint or Allegation of Staff Misconduct or Reportable Conduct

If you would like to make a formal complaint or allegation of staff misconduct or reportable conduct, you can do so by:

1. Sending an email to principal@zahragrammar.nsw.edu.au
2. Writing a letter to Zahra Grammar School addressed to the Complaints Handling Manager
3. Telephoning Zahra Grammar School and asking to speak to the Complaints Handling Manager.

If the Complaints Handling Manager is the subject of your Complaint or allegation of misconduct or reportable conduct, please contact the Principal.

Investigating and Managing Staff Misconduct and Reportable Conduct

Zahra Grammar School initially investigates all complaints and allegations to determine whether the conduct in question amounts to staff misconduct, as defined in this policy, or reportable conduct that must be further investigated and reported

to the NSW Children's Guardian. All investigations uphold the principles of procedural fairness and confidentiality - information is only shared with those who need to know.

Staff Misconduct

When a complaint or allegation does not include conduct that is defined as reportable conduct following Zahra Grammar School's initial investigation, and it is determined through Zahra Grammar School's investigation that staff misconduct has occurred, Zahra Grammar School will notify the complainant of the finding and corrective actions that will be taken. Staff misconduct is managed through our Human Resources policies and procedures relating to internal grievances, discipline and termination.

Reportable Conduct

After the Principal becomes aware of a reportable allegation or conviction against an employee they must ensure that an appropriate investigation of the reportable allegation or conviction is conducted and completed within a reasonable time. The Principal must notify the Children's Guardian of the findings of Zahra Grammar School's internal investigation into the matter.

The Principal must inform the affected child and their parents/carers about any reportable conduct investigation unless it is "not in the public interest" to inform them.

Sometimes, where reportable conduct obligations arise, Zahra Grammar School will also have other mandatory reporting obligations. In these situations, Zahra Grammar School will prioritise its procedures for mandatory reporting to the Department of Communities and Justice and/or to the Police and will seek advice from those agencies on the best way to proceed with the reportable conduct internal investigation.

Making a Finding of Reportable Conduct

If Zahra Grammar School's internal investigation results in a finding of reportable conduct, following Zahra Grammar School's notification to the NSW Children's Guardian, we will conduct a final risk assessment of the conduct, the staff member and the circumstances, and take action to mitigate ongoing risks.

Disclosing Information to Zahra Grammar School Community

A parent or carer has a legitimate interest in being told of the process that is being followed to investigate an allegation that their child was a victim of staff misconduct or reportable conduct.

Section 57 of the Children’s Guardian Act imposes disclosure obligations and prohibitions on the Principal.

The disclosure obligations and prohibitions apply to information about a reportable conduct investigation. This includes information about the progress of an investigation, the findings and any action taken in response to the findings.

The Principal or an investigator working for the Principal **must** inform the affected child and their parents/carers about the reportable conduct investigation unless it is “not in the public interest” to inform them.

The Principal or an investigator working for the Principal **must not** disclose information about a reportable conduct investigation to anyone other than the affected child and their parents/carers. However, there are some exceptions to this rule. Disclosures can be made to certain people and entities, such as investigators and carers, if the disclosure is made to promote the safety or wellbeing of the child.

Where to Find More Information

The NSW Children’s Guardian provides information on reportable conduct and Zahra Grammar School’s obligations to report. For more information about Zahra Grammar School’s policies and procedures relating to staff misconduct, reportable conduct or complaints handling generally, please contact Zahra Grammar School.

For more information about Zahra Grammar School’s complaints handling procedures regarding allegations of staff misconduct or reportable conduct, please refer to our Child Protection Policy and Student Welfare and Behaviour Management Policy.

References

NSW Department of Communities and Justice <https://www.dcj.nsw.gov.au>

The Office of the Children's Guardian <https://www.kidsguardian.nsw.gov.au>

Children's Guardian Act 2019 ("Children's Guardian Act")

The Working with Children Check Guidelines: www.kids.nsw.gov.au/check/employer.html

Children and Young Persons (Care and Protection) Act 1998, current version for 29th October 2014

Child Protection (Working with Children) Act 2012

Child Protection (Working with Children) Regulation 2013

Child protection and child well-being (revised 2010) www.keepthemsafe.nsw.gov.au

Department of Premier and Cabinet - Keep Them Safe www.keepthemsafe.nsw.gov.au

Addendum 1

Addendum 2



ZAHRA GRAMMAR SCHOOL

Grievance/Complaint form - Staff

STUDENT DETAILS

| | | |
|--------------|-------------|--------|
| Family name: | First name: | Class: |
|--------------|-------------|--------|

PARENTS DETAILS

| | |
|------------------|--|
| Title: Mr/Mrs/Ms | |
|------------------|--|

| | |
|-------------|-------------|
| Family name | First name: |
|-------------|-------------|

| |
|----------|
| Address: |
|----------|

| | |
|-------------|----------------|
| Home phone: | Mobile number: |
|-------------|----------------|

Who have you contacted previously about your complaint? (please indicate below)

| | | | |
|--------------------------------|---------------------------------|------------------------------------|--------------------------------|
| <input type="checkbox"/> Class | <input type="checkbox"/> School | <input type="checkbox"/> Principal | <input type="checkbox"/> Admin |
| Teacher | Coordinator | | Officer |

COMPLAINT DETAILS:

Please provide an outline of your complaint. Include relevant dates / detail of phone conversations or meetings / any explanations that you think are important. Attach extra pages as required (including copies of other documents relevant to your complaint).
