

## ARKANA COLLEGE COMPLAINTS and GRIEVANCE POLICY and PROCEDURES



Written By	Principal
Approved By	Board of Directors
Date	December 2023
Relevant to	All Arkana College Staff, Students and Affiliates
Related College Documents	<ul style="list-style-type: none"> <li>• Child Protection Policy</li> <li>• Student Behaviour Management Policy</li> <li>• Wellbeing Policy</li> <li>• Discrimination, Harassment and Workplace Bullying Policy</li> <li>• Privacy Policy</li> <li>• Anti-Bullying Policy</li> <li>• Communications Policy</li> <li>• Code of Conduct Policy</li> </ul>
Legislation	<ul style="list-style-type: none"> <li>• the <i>Children and Young Persons (Care and Protection) Act 1998</i></li> <li>• the <i>Child Protection (Working with Children) Act 2012</i></li> <li>• the <i>Children’s Guardian Act 2019</i> (“Children’s Guardian Act”)</li> <li>• Education Act 1990 (NSW) as amended by the Education Amendment (non-Government Colleges Registration) Act 2004 (NSW).</li> <li>• Civil Liability Act 2002.</li> <li>• The Crimes Act 1900.</li> </ul>
Next Review	December 2025

Arkana College values its students, staff, parents and the wider community. It believes that a process for the acceptance, monitoring and resolution of conflict, complaints and grievances is in the best interests of maintaining a harmonious, supportive and productive College community.

This grievance policy is aimed at providing a mechanism for resolving grievances in a quick, simple, well defined manner in a supportive and co-operative environment with the utmost confidentiality and sensitivity.

#### Policy

- ❖ The College is open to receiving grievances and approaches them in a positive manner.
- ❖ The College has a commitment to the fair resolution of complaints at all levels.
- ❖ The College has a commitment to transparency of process and impartiality in handling complaints.
- ❖ The College has a commitment to ensuring that it has the appropriate resources to fully accommodate a procedure for handling complaints.

#### SCOPE

This policy applies to all stakeholders associated with the College.

#### 1. DEFINITIONS

1.1 **Complainant** means any person who has a concern or grievance.

1.2 **Complaint/Grievance** means a concern or expression of dissatisfaction about any act, behaviour, omission, situation or decision that someone thinks is wrong, unfair unjust or discriminatory. A grievance may be brought against the College as a whole, a specific department or about an individual member of staff.

1.3 **Procedural fairness** (also known as natural justice or the hearing rule) means the rules or principles developed to ensure that decision-making is unbiased, fair and reasonable. It involves the decision maker informing people of the case against them or their interests, giving them the right to be heard, not having a personal interest in the outcome and acting only based on logically probative evidence.

1.4 **Respondent** means any person against whom a complaint/grievance is brought.

#### 2. ACCOUNTABILITY

This Procedure applies to all stakeholders.

### **3. Confidentiality**

- ❖ The College is committed to the confidentiality of all complaints, at all steps in the process of their resolution.
- ❖ Only the College and persons directly involved in a grievance will have access to information, the subject of the grievance. It is expected that parties involved will discuss the matter only with their support persons or the other parties involved.
- ❖ Complainants and respondents have a duty to uphold strict confidentiality during the grievance procedure for the safety and consideration of others that may be involved. Complainants and respondents must not publicise the grievance or the progress of its resolution. The College considers any breach of confidentiality a serious issue worthy of disciplinary action if warranted.
- ❖ Any documents created or dealt with during the course of the procedure will be marked confidential and put in a safe place. These documents may only be accessed by the parties involved in the grievance or by the College if the matter impacts upon the review of this policy.
- ❖ Although the College is committed to the confidentiality of all complaints, there may be situations where it is not possible to uphold a person's right to confidentiality. For example, a person's health and safety may be at risk, or the grievance may involve criminal activity or requires mandatory reporting to relevant authorities. In these circumstances, the College will always prioritise the safety of the students, staff and wider community.

### **4. Time Limit**

- ❖ Grievances should be lodged within 7 days of the occurrence
- ❖ The College will try to resolve all grievances as quickly as possible. However, the timeframe for resolution of a grievance will depend on the complexity, nature and scope of the grievance.

### **5. Who are the Contact Officers?**

- ❖ Student complainant: Coordinator or Principal
- ❖ Parent complainant: Coordinator or Principal
- ❖ External complainant: Principal
- ❖ Staff complainant: Principal

If the Principal is the subject of the grievance, the investigator will be the Chairman of the College Board.

### **Support Persons**

- ❖ From the beginning of the process, complainants and respondents are encouraged (but not obliged) to seek out a support person who can provide support/encouragement throughout the process (usually a parent or adult family member where it involves students.)
- ❖ Support persons should not themselves be directly involved in the matter which is the subject of the grievance.
- ❖ Support persons are entitled to accompany a complainant/ respondent to any meetings that take place during the grievance process but must not have an active role in the

resolution process. It is not the role of the support person to be a spokesperson for the complainant.

## **PROCEDURES IN ADDRESSING THE COMPLAINT OR GRIEVANCE**

### Initial Contact

- ❖ A person may at any time contact the College regarding a complaint or grievance.

Staff(or Chairman of School Board if it is about the Principal). This must be reported immediately in writing, clearly detailing the issue. The Principal will immediately notify the Chairman of the Board.

- ❖ A staff member may do this by emailing the Principal.
- ❖ If the complaint or grievance is about the Principal and has not been resolved, a staff member may then email the Chairman of the Board
- ❖ If the complaint or grievance is about a student, the staff member should email the Stage Coordinator.
- ❖ Complaints or allegations of staff misconduct or reportable conduct must be reported directly to the Principal or Chairman of the Board if it is about the Principal. This must be reported immediately in writing., clearly detailing the issue.

### Students

- ❖ If a student has a complaint or grievance about another student or a staff member, they should firstly discuss this with their teacher or a trusted member of staff. Based on the discussion, the staff member may advise the student to communicate their concern in writing.
- ❖ If the staff member feels the student concern does not warrant a formal notification, the student may be directed to the Stage Coordinator to address the complaint or grievance. This may take the form of a 1-on-1 conversation or mediation between the parties.
- ❖ The staff member will make a record of the discussion and share this with the Stage Coordinator. If the Stage Coordinator feels it requires further investigation, they will share this with the Principal to determine if the actions taken were appropriate and if further attention is required.
- ❖ If the issue is about the Stage Coordinator, students should raise their concern with the Principal.
- ❖ Complaints of staff misconduct or reportable conduct by a student about a staff member must be reported directly to the Principal
- ❖ All documentation should be saved in the student and/or staff file on the College database.

### **External stakeholders (including parents and the wider community)**

- ❖ External complaints or grievances should be forwarded via email to the Stage Coordinator or Principal.

## **The Role of the Principal**

- ❖ Let parties communicate their concerns openly and maintain impartiality
- ❖ Encourage solutions and keep notes of any solutions that were suggested by either party
- ❖ Record in detail the solution that is finally determined and maintain confidentiality

## **Processes for the Handling of Complaints and Grievances**

- ❖ Complaints and grievances should be investigated within 7 working days.
- ❖ Where, in the professional judgement of the designated investigating staff member who has received the complaint, the staff member or student concerned may be informed and involved, depending on the issue raised, to ensure both sides of the issue are investigated fairly.
- ❖ The staff member or student whom the complaint or grievance is about should be given the option of responding in writing.
- ❖ A meeting with the complainant and accused may be arranged, with a view to determining whether a resolution can be achieved.
- ❖ The investigating staff member will notify the person/people associated with the complaint or grievance of the outcome via written or verbal correspondence.
- ❖ If the complaint or allegation is regarding staff misconduct or reportable conduct, the Principal (or Chairman of the Board if it is about the Principal) will notify the relevant external authorities, depending on the nature of the concern. An external assessor may be required appointed to complete the investigation of the staff member accused.
- ❖ The College may need to place a staff member to be investigated on complaints or allegations of staff misconduct or reportable conduct on paid leave until the investigation has been completed. The Principal will address communication of the leave.

## **Mediation**

- ❖ If after the procedural steps outlined above, the matter remains unresolved or should matters of disagreement or interpretation be unable to be resolved, the parties may undertake mediation
- ❖ The Principal will act as mediator or the Chairman of the Board if the complaint is about, or involves the Principal.
- ❖ The College may appoint a mediator (at its cost) agreed to by the parties involved.
- ❖ The mediation procedure is confidential and neither party can use it as evidence in court proceedings or any discussions between the parties and the mediator.
- ❖ If the mediation process has been completed and resolution has not been achieved, then the decision as to whether any further action should be taken in relation to the complaint shall be at the discretion of the Principal or Chairman of the Board if the complaint is about the Principal

## **Undertaking**

Staff members against whom complaints are made undertake to not victimise or seek retribution against any complainant or student of any complainant because a complaint has been made.

## **Record Keeping**

- ❖ All complaints or grievances should be documented by the staff member responsible for the investigation. Records of the process for handling the complaint and any outcomes should be kept by the investigating staff member.

## **Equal Opportunity**

The College is committed to the principle of equal opportunity in the management of complaints. It believes that no complainant should be disadvantaged by the nature of the procedures in operation at the College.

## **Determinations**

The Investigator may:

- Uphold the grievance; or
- Dismiss the grievance if it is considered that it is without merit or is frivolous

The investigator can make any recommendations they consider and may include:

- Discipline or reprimands and/or counselling
- A change in policy/procedure of the School

The investigator must fully document the actions they have decided and the reasons for it and provide to both the complainant and respondent a copy of these.

## **APPEALS**

Appeals of determinations made by investigators can be made to the Principal and determinations of the Principal can be appealed to the Chairman of the School Board [mhelal@arkana.nsw.edu.au](mailto:mhelal@arkana.nsw.edu.au) to ensure that determinations made were fair, followed due process and were reasonable in the circumstances based on the materials available to the investigator at the time of the investigation.