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| <b>Section of Manual:</b> | <b>9. MANAGEMENT &amp; OPERATION 9.3 NOTIFICATION TO THE AUTHORITY</b>   |              |  |
| Document                  | <b>POLICY 9.3.3 COMPLAINTS OR GRIEVANCES RECEIVED BY THE SCHOOL</b>  |              |  |
| Date of Endorsement:      |  | Review Date: |  |
| Review Panel              | The Chief Executive Officer, Principal, and Compliance Manager must be a part of the review of this Policy   |              |  |
| Purpose:                  | To ensure the School has processes in place for the receipt of complaints, grievances and compliments  |              |  |
| Scope:                    | Relates to students; staff; parents; key stakeholders  |              |  |
| RANGS Manual:             | 3.9 Management & Operation   |              |  |
| Policy                    | <p>The School views complaints, as well as compliments and other constructive feedback as a way of creating opportunities for the school to improve its services and prevent future problems. This policy is readily available upon request in person or via email or mail. It is also able to be downloaded from the school's website.</p> <p>There are various levels at which complaints can be received or made and these may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Protection of Children and Young people (Policy 5.1.1) – This policy <u>must</u> be referred to with regards to i) any complaints and allegations made concerning reportable conduct or reportable convictions of staff members, trainers or volunteers ii) any allegations concerning risk to the safety, wellbeing or welfare of a young person.</li> <li>• Anti-Discrimination (5.3.5)</li> <li>• Other Alleged breach of Legislation, Policy, Procedure or Contract</li> <li>• Other Suggestions and Complaints</li> </ul> <p>The School has implemented specific policies in regards to the first 2 categories listed above and these policies and procedures and listed delegates should be followed accordingly. For other matters of complaint or grievance other associated policies should be consulted (ie WHS policy, Harassment Policy etc) and then this policy shall act as a generic cover for all complaints or grievances not already addressed.</p> <p>A suggestion or complaint can be lodged by any person who is a user or potential user of The School services including a student, a parent or caregiver or other community member. The suggestion or complaint can be about any aspect of the service provided or not provided, the behaviour or decisions of current students</p> |              |  |

and staff, or about workplace practices, policies or procedures.

In the initial form complaints should be forwarded to the Principal. If the complaint is in regards to this person, or the Principal deems it necessary, the complaint should be forwarded to the Chief Executive Officer of Kiama Community College Inc.

Except if the matter is serious and warrants investigation, attempts should be made to resolve the problem at the earliest possible opportunity. We suggest the following;

The receiver of the complaint should:

- allow the party to state the cause of their concern
- exchange facts and beliefs
- clarify events
- listen
- apologise for any behaviour that may have distressed the other party
- consider all points of view in the matter

A suggestion, complaint or allegation can be made orally or in writing. If oral, it may need to be put in writing and assistance will be provided if needed. It is preferable but not essential that it includes the complainant's name and signature.

After the complaint has been received the Principal will then decide between options

1. Dismiss the complaint as the matter refers to a decision in accordance with existing policy, procedure, legislation or monitored best practice.
2. Conclude that the complaint has been substantially resolved through the discussions regarding the complaint
3. Undertake a systems improvement
4. Negotiation
5. Investigation

After the resolution of the complaint the Principal should contact the complainant in writing to notify them of the outcome.

The outcome of the Complaint should also be recorded. In the case of minor complaints (noise, mess etc) this recording can be as a diary note in the Principal's diary. In regards to anything that requires Negotiation or Investigation, confidential files should be kept on the matter and stored with the Principal.

Procedural Fairness

The principles of procedural fairness are adopted at every stage of the complaint process. Procedural fairness is a basic right of all individuals. In cases where there is a perceived incongruence between an individual’s actions and the School or legal expectations, the School will aim for a fair decision, reached by an objective decision-making process.

The following commitments will be made to procedural fairness in the complaints process:

- i) Both parties will be given the opportunity to present his or her claims in relation to the issues and the proposed decisions affecting him or her. The School will ensure that all parties exercise their “**right to be heard**”. This includes:
  - The right to know why the action is happening.
  - The right to know the way in which the issues will be determined.
  - The right to know the allegations in the matter and any other information that will be taken into account.
  - The right of the person against who the allegations have been made to respond to the allegations.
- ii) **The right of a person to an impartial decision** - The School will ensure that a decision on the issue is reached in an impartial manner. Care will be exercised to exclude real or perceived bias from the process.
- iii) All parties will be offered access to an **interpreter** if required.
- iv) All parties will be offered a **support person** throughout the process.

False and Malicious Complaints or Allegations

Where a complaint or allegation is found to be false and there is evidence of malicious intent on the part of the complainant, then remedies are possible.

Note that establishing that a complaint is false is not the same as establishing that the complaint cannot be substantiated. The former implies there is evidence to show the allegation is false. The latter implies a lack of evidence either way.

Where a School employee makes a complaint or allegation that is both false and malicious, disciplinary action will be considered, especially where there is evidence that they knew the complaint or allegation to be false or where they continue to make the complaint or allegation after being instructed to cease.

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|                         | <p>However, the making of protected disclosures (Protection of Children and Young People) cannot be grounds for defamation. Where the complaint or allegation is made in good faith and through the proper channels, employees who complain and those investigating a complaint have a defense against defamation action.</p> <p>Where a student makes a complaint or allegation that is both false and malicious, action may be taken under the relevant student discipline policy. Use of discipline procedures should only occur where there is evidence that the student knew the complaint or allegation was false.</p> <p>Where a parent or other member of the public makes a complaint or allegation that is false and malicious, civil remedies such as defamation action may be suggested to the person who is the subject of the complaint or allegation.</p> |
| <p>Related Policies</p> | <p>5.1.1 Protecting and supporting children &amp; young people<br/> 5.3.5 Harassment discrimination and anti bullying<br/> 5.5.11 Conflict Resolution Policy and Procedure<br/> 5.5.5 Grievance Policy and Procedures<br/> 7.2 Procedural Fairness</p>   |