

Section of Manual:	5. SAFE AND SUPPORTIVE ENVIRONMENT – 5.5 STUDENTS RIGHTS AND RESPONSIBILITIES	
Document	PROCEDURE 5.5.5 GRIEVANCE POLICY AND PROCEDURES (ACADEMIC AND NON-ACADEMIC)	
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 systems in place that allow for students to express a grievance.	
Scope:	Relates to all students and parents/guardians.	
Definition:	For the purposes of this document the following applies: Complainant refers to students (parents or guardians) who have lodged a grievance	
Procedure:	<p>1. Overview</p> <p>The School and all staff are committed to providing an effective, efficient, timely, fair and confidential grievance handling procedure for all students and parents/guardians. This policy covers both academic and non-academic grievances and appeals.</p> <p>Academic matters include those matters which relate to student progress, assessment, course content or awards in a course of study.</p> <p>Non-academic matters include those matters which do not relate to student progress, assessment, course content or awards in a course and include grievances in relation to personal information that the provider holds in relation to a student. Non-academic grievances tend to arise from events occurring at a provider or from decisions made by a provider.</p> <p>Complainants are entitled to access the grievance procedures by requesting them from the School office or accessing them on the School’s website.</p> <p>This policy does not replace or modify policies or any other responsibilities which may arise under other policies or under statute or any other law. Also, the dispute resolution procedures outlined below in this document do not circumscribe an individual’s rights to pursue other legal remedies.</p> <p>If a student is enrolled at the time they choose to access this policy and procedure, The School will maintain the student’s enrolment while the grievance and appeals process is ongoing.</p> <p>2. Responsibility</p> <p>The Board of Management is responsible for approving the policy and responding as required to informal and formal grievances.</p> <p>The Chief Executive Officer is responsible for implementation of this policy and procedure and ensuring that all staff are fully trained in its operation and Students and Complainants are made aware of its availability.</p>	

The Principal :

- Is responsible for ensuring that all staff are aware of the requirement to report potential grievances as soon as possible.
- Will handle any grievance appropriately and promptly.
- Will treat all people involved fairly and respectfully, protecting the complainant from undue negative repercussions arising from their grievance.
- Will treat the complainant and all those involved with strict confidentiality at all times.
- Will uphold the principles of procedural fairness at all times, as detailed following.

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.

3. General principles

These principles, which will be adhered to by the School, apply to all stages of this grievance procedure:

- The Complainant and any respondent will have the opportunity to present their case at each stage of the procedure.

- The Complainant and any respondent will not be discriminated against or victimised.
- At all stages of the process, discussions relating to grievances and appeals will be recorded in writing. Reasons and a full explanation in writing for decisions and actions taken as part of this procedure will be provided to the Complainant and/or any respondent if requested.
- Records of all grievances will be kept for a period of five years to allow all parties to the grievance appropriate access to these records. These records will be kept strictly confidential and stored at Kiama Community College, 7 Railway Parade, Kiama NSW 2533. Access to these records may be requested by writing to the Chief Executive Officer at the aforementioned address.
- A Complainant shall have access to the internal stages of this grievance procedure at no cost. Costs for an external appeal will be shared equally by the School and the Complainant.

4. Informal Grievance Procedure for students

Students are encouraged initially to attempt to resolve a grievance informally through the following process. Whilst the School encourages students to follow this procedure before an issue becomes a formal grievance, this step is not mandatory and a student may proceed directly to the Formal Grievance Procedure.

If a student has a problem they want to talk about, they should follow this procedure below.

- Students are encouraged to talk with their teacher who will attempt to resolve, in an informal manner, the grievance.
- If the Student cannot or does not want to talk to the teacher, they can speak to the Student Wellbeing Officer. The Student Wellbeing Officer will then attempt to resolve in an informal documenting manner, informing the Principal of the issue and resolution.
- If the student is not satisfied with the above outcome and wishes to continue to follow the informal grievance process, the Student can contact the Principal who will review the issue, determine the next steps and outcome, and advise the Student in writing within twenty working days.

See flowchart of informal grievance procedure following:

Informal Grievance Procedure Flowchart for Students

Please view this flowchart in conjunction with detailed explanation of each step

Step 1

Students are encouraged to talk with their teacher.



Step 2

If not appropriate to contact the teacher, the student can speak to the Student Wellbeing Officer.



Step 3

If the Student is not satisfied with the above outcome, the student can contact the Principal.

5. Informal Grievance Procedure for parents/guardians

If a parent or guardian has a problem they wish to talk about, they should make an appointment with the Principal. Whilst the school encourages parents and guardians to speak to the Principal before an issue becomes a formal grievance, this step is not mandatory a parent/guardian may proceed directly to the formal grievances procedures.

6. Formal Grievance Procedure

Stage One

Formal grievances should be submitted in writing and sent to the Compliance Manager at Kiama Community College, PO Box 52, Kiama NSW 2533.

The Compliance Manager will notify the Complainant of receipt of the grievance within 5 working days.

The Compliance Manager will then assess the grievance, determine the outcome and advise the Complainant in writing of their decision within 20 working days.

The Complainant will be made aware of their options through the provision of a copy of this policy.

Stage Two

If the Complainant is not satisfied with the outcome of Stage One they may lodge an appeal in writing within 20 working days of receiving the written response with the Chief Executive Officer, Kiama Community College, PO Box 52, Kiama NSW 2533.

The Complainant's appeal will be determined by the Chief Executive Officer who will conduct all necessary consultations with the Complainant and other relevant persons and make a determination of the appeal. The Complainant will be advised in writing of the outcome of their appeal, including the reasons for the decision within 20 working days.

The Complainant will be made aware of their options through the provision of a copy of this policy.

Stage Three

If the Complainant is not satisfied with the outcome of their appeal then an independent mediator will be sourced by the School through LEADR, the Association of Dispute Resolvers. Complainants may request that their grievance is referred to the independent mediator by writing to the Chairperson of the Board of Management, Kiama Community College, PO Box 52, Kiama NSW 2533.

Costs of such mediation will be shared equally by KCC and the Complainant. As a guide mediator's costs would be \$385 for the first four hours (or part thereof). Subsequent hours would be \$137.50 per hour. It is common for most disputes to be resolved within the initial four hour allocation.

Stage Four

For all Students: If the Complainant remains unsatisfied with the outcome of the mediator's decision, then they may contact the NESA. For contact details and information please see:

<https://educationstandards.nsw.edu.au/wps/portal/nesa/about/who-we-are/contact-us>.

Stage Five

If a Student is still dissatisfied with the way the grievance has been handled and it is very serious they can contact the NSW Ombudsman:

Telephone on 02 9286 1000

Email at nswombo@ombo.nsw.gov.au

Completing an online form at www.ombo.nsw.gov.au

By attending one of their offices.

The School will respond to any recommendations arising from the external review of the grievance within 30 days of receipt of the recommendations.

See flowchart of formal grievance procedure following:

Formal Grievance Procedure Flowchart

Please view this flowchart in conjunction with detailed explanation of each step

Stage 1



Students can submit a formal grievance in writing to the Compliance Manager.



Stage 2

If not satisfied with the outcome of their formal grievance the student can lodge an appeal in writing with the Chief Executive Officer of the College



	<div style="text-align: center; background-color: #f9e79f; padding: 10px; margin-bottom: 10px;"> <p>Stage 3</p> <p>If not satisfied with the outcome of their appeal the student can write to the Chairperson of the Board of Management to request an independent mediator</p> </div> <div style="text-align: center; margin-bottom: 10px;">  </div> <div style="text-align: center; background-color: #f9e79f; padding: 10px; margin-bottom: 10px;"> <p>Stage 4</p> <p>If a Student is still dissatisfied with the way the grievance has been handled they may contact NESA</p> </div> <div style="text-align: center; margin-bottom: 10px;">  </div> <div style="text-align: center; background-color: #f9e79f; padding: 10px;"> <p>Stage 5</p> <p>If a Student is still dissatisfied with the way the grievance has been handled and it's very serious they can contact the Commonwealth Ombudsman.</p> </div>
Supporting Documentation	5.5.11 Conflict Resolution Policy and Procedure 9.3.3 Complaints or grievances received by the School 7.2 Procedural Fairness
Cross Reference	