



Complaints and Grievances Policy

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Contents

1. Rationale	3
2. Policy Statement	3
3. Purpose	4
4. Scope	4
5. Definitions	4
6. Privacy and Confidentiality	4
7. Conflict of Interest	5
8. Time Limit	5
9. Victimisation	5
10. Rights and Responsibilities	6
10.1 Rights and Responsibilities of the Complainant	6
10.2 Rights and responsibilities of the respondent	6
11. Procedures	6
11.1. Defining roles	6
11.2 Support Persons	7
12. Defining Phases of Grievance/Complaint Procedures	7
12.1 Phase 1: Informal Discussions	7
12.2 Purpose	8
12.3 The role of Contact Officers	8
12.4 The process	9
13. Phase 2: Informal Mediation	9
13.1 Purpose	9
13.2 The role of the contact officer during mediation	9
13.3 The process	10
14. Phase 3 – Investigation	10
14.1 Purpose	10
14.2 Who will be the investigator(s)?	11
14.3 The role of the investigator	11
14.4 The process	11
15. Phase 4 – Appealing a decision	13
15.1 Purpose	13
15.2 The role of the Principal/Chair	13
15.3 The process	14
16. What happens if the complainant or respondent is not happy with the appeal decision?	14
17. Maintenance of this Policy	16

1. Rationale

Irfan College aims to ensure that all stakeholders within the school community are provided a safe and supportive environment. This complaints and grievances policy has been developed to respond and resolve the concerns of our students, parents and staff whether they are of an informal and formal nature. The complaints and grievances raised by the stakeholders of our college will be dealt with the universal principles of justice and equity.

2. Policy Statement

The Irfan College Complaints and Grievances Policy values:

- procedural fairness and natural justice;
- the right to be heard fairly;
- the right to an unbiased decision made by an objective decision maker;
- the right to have the decision based on relevant evidence.
- a code of ethics and conduct;
- a service culture free from discrimination and harassment;
- transparent policies and procedures; and
- avenues for recourse and further investigation.

The Complaints and Grievances Policy ensures that all persons are presented with procedures that:

- value the opportunity to be heard;
- promote conflict resolution;
- encourage the development of harmonious partnerships;
- ensure that conflicts and grievances are mediated fairly; and
- are transparent and equitable.

Irfan College has a duty of care to ensure that all persons are provided with a high level of equity and fairness in relation to grievances and complaints management and procedures. Irfan College has a duty of care to ensure that all persons are provided with a high level of equity and fairness in relation to grievances and complaints management and procedures. In meeting the service's duty of care, management and educators agree to implement and endorse the service's Complaints and Grievances Policy.

The *Occupational Health and Safety Act* states that employers have a duty of care to their employees to ensure that the working environment supports emotional and mental wellbeing.

The Irfan College Code of Conduct guides the Parent/Student/Staff Complaint and Grievance Procedures Policy.

3. Purpose

The Complaints and Grievances Policy ensures that all persons are presented with procedures that:

- Value the opportunity to be heard;
- Promote conflict resolution;
- Encourage the development of harmonious partnerships and a culture free from discrimination and harassment;
- Ensure that conflicts and grievances are mediated fairly;
- Are transparent and equitable and compliant with legislative requirements.
- Keep confidential, where practicable, the information provided by any person involved with a complaint.

4. Scope

- 1) The scope of this policy extends to grievances brought by any member of staff, parents or students.
- 2) Some grievances are better handled under other policies of the College. The College has specific policies in place for issues such as child protection, discrimination and codes of conduct amongst others.

5. Definitions

- 1) **complainant**: any person who has a grievance. This may include any member of staff, employee, parent or student.
- 2) **complaint** - any verbal or written grievance from parents/guardians, staff, child, committee, or person involved with the service.
- 3) **grievance**: any concern or complaint about any act, behaviour, omission, situation or decision that someone thinks is unfair or unjustified.
- 4) **The College**: Irfan College.

6. Privacy and Confidentiality

- Irfan College is committed to ensuring privacy/confidentiality in the management of grievances.
- Discussions regarding any grievance will be held in confidence with those individuals directly 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.
- Irfan College understands there may be a requirement to disclose information to a third party when directed by legislative requirements. For example, a person’s health and safety may be at risk, or the grievance may involve criminal activity. In these circumstances, the College will always prioritise the safety of the students, staff and wider community.

7. Conflict of Interest

Irfan College recognises that a conflict of interest may arise during a grievance management procedure. Where a conflict of interest is identified an alternative mediation arrangement must be sought; for example, Irfan College may seek the assistance of AISNSW to act as convenor.

8. Time Limit

Irfan College will try and resolve issues as quickly as possible. Timeframe will be greatly affected by the nature, complexity and scope of the grievance/complaint and some cases may take longer than others.

9. Victimisation

When handling a grievance there should be an awareness of the possibility of subsequent victimisation of any of the parties. Fear of victimisation may prevent complainants from raising a grievance in the first instance. Steps should be taken to prevent victimisation from occurring. This includes advising all parties to the grievance that victimisation of any individual/s arising from the grievance will not be tolerated and that disciplinary action will result if victimisation is demonstrated to have occurred.

10. Rights and Responsibilities

10.1 Rights and Responsibilities of the Complainant

The complainant has the right to:

- be heard and listened to
- have the complaint addressed with procedural fairness
- have the complaint dealt with quickly
- seek legal advice
- have a support person present at all meetings
- confidentiality and sensitivity in the resolution of the process

The complainant has the responsibility to:

- approach the process in good faith
- uphold strict confidentiality
- be courteous in dealing with the respondent, contact officer and investigator
- ensure that any support person understands their role in the process

10.2 Rights and responsibilities of the respondent

The respondent has the right to:

- present their version of events and reasoning
- be informed of a complaint against them within a reasonable time frame
- seek legal advice
- advise and support
- have a support person present during all meetings
- confidentiality and sensitivity in the resolution of the process

The respondent has the responsibility to:

- approach the process in good faith
- uphold strict confidentiality
- be courteous in dealing with the complainant, contact officer and investigator
- ensure that any support person understands their role in the process

11. Procedures

11.1. Defining roles

The grievance procedure consists of a four-step process. A grievance may be resolved at any stage. However, in order for the policy to be implemented effectively, roles must be clearly

defined. Appropriate college personnel have been assigned roles as Contact Officers to ensure that investigations are efficient and timely.

The Contact Officers are as follows:

- Student complainant: Teachers, Well-being coordinator, Curriculum coordinators, Principal
- Parent complainant: Well-being coordinator, Curriculum coordinators, Principal or office admin staff
- Staff complainant: Well-being coordinator, Curriculum coordinators, Principal. Principal or the Chair of College Board if the complaint is about the Principal.

From the beginning of the process, complainants and respondents are encouraged (but not obliged) to seek out a support person who can provide support and encouragement throughout the process. Support persons should not themselves be directly involved in the matter which is the subject of the grievance.

11.2 Support Persons

Support persons may include, but are not limited to:

- Student complainant: Students will inevitably be supported by their parents/carers, but are also encouraged to seek the assistance of the college counsellor and/or Well-being coordinator.
- Parent complainant: parents are encouraged to speak to the relevant class teacher
- Staff complainant: Staff are encouraged to speak to their Curriculum coordinators, Well-being coordinator and Principal.

12. Defining Phases of Grievance/Complaint Procedures

12.1 Phase 1: Informal Discussions

- 1) When a complaint is received, an attempt to resolve the matter through informal processes should be explored.
- 2) The college recognises that often grievances are simple misunderstandings that are easily resolved via effective communication.
- 3) Every grievance must be addressed via informal discussion in the first instance.
- 4) Where a complaint/grievance has not been resolved, the next step in the process will be followed.
- 5) ***Grievances will not be able to progress to the next step unless both parties have first attempted to discuss the issue.***

12.2 Purpose

To resolve issues in a timely manner, personally and informally, and assist communication between the parties by addressing minor misunderstandings.

12.3 The role of Contact Officers

- Complainants are advised to seek assistance and guidance from their Curriculum coordinators, Well-being coordinator and Principal depending on the nature of the complaint.

- The channel of communication must be followed, for example, teachers seek the assistance of Curriculum coordinators or Well-being coordinator; Curriculum coordinators or Well-being coordinator seek the assistance of the Principal and so on.
- Complainants and respondents may seek out support persons during this time. However, minor misunderstandings are often resolved in a non-threatening environment. Thus, it is not recommended that support persons attend an informal discussion with the complainant.

12.4 The process

The complainant is to approach the respondent and explain their grievance in a non-threatening manner using effective communication.

13. Phase 2: Informal Mediation

Informal mediation provides a responsive, informal, confidential and effective means of resolving conflicts as an alternative to formal proceedings. The mediation process allows the parties to explore options and solutions to resolve issues at the lowest possible level.

13.1 Purpose

- Using a neutral third party to identify and isolate the problems and main issues and providing an opportunity for parties to create solutions.
- To clarify issues and concerns, and a clear sequence of events.
- To provide an opportunity for parties to work together to reach a mutually acceptable solution.
- To provide an opportunity for both parties to consider possible solutions at an early stage in the conflict resolution process.

13.2 The role of the contact officer during mediation

The main role of the contact officer during mediation is to provide a forum for open communication between the complainant and respondent. The contact officer should:

- Maintain impartiality
- Allow both parties to communicate their concerns openly but respectfully. In cases where one party shows signs of agitation or aggressive behaviour towards the other, the contact officer should discontinue mediation.
- Encourage both parties to create solutions to help in resolving the issues
- Keep notes of any solutions which were suggested by both parties
- Detail the final solution that is determined

13.3 The process

This process occurs if informal discussions were unsuccessful on resolving the matter.

The complainant should approach their contact officer and put their grievance/complaint in writing.

- Complainants must complete a confidential form that details the following aspects of the complaint (refer to the appendix for a copy of this form. ***Note: forms differ for parents and staff and the appropriate form should be completed***).
- Forms identify the following aspects of the grievance/complaint:
 - Dates, times and places of the grievance/complaint
 - Perceived problem from the perspective of the grievance/complaint
 - An account of the progress of informal discussions that were held between the parties
 - Suggestions as to possible solutions
- Copies of the form are given to the Principal
- The contact officer will approach the respondent and request that they attend an informal mediation to resolve the issue.
- The contact officer will show the respondent the complainant's written complaint and offer the respondent the opportunity to write down any objections to the complaint, their perceptions of the problem and suggestions as to possible solutions.
- The contact officer oversees the process and conducts the mediation.
- During the mediation, the complainant and respondent will be encouraged to explain to the other party their perspective of the grievance and how it has affected them.
- The contact officer will then encourage the parties to suggest and agree on negotiated solutions.
- The contact officer will be neutral in their dealings with each party both before and during the mediation.

14. Phase 3 – Investigation

This phase is to be utilised when:

- a resolution cannot be reached through mediation, or
- the complaint/grievance is of a serious nature which may impact on the safety and well-being of students, staff and the general college community.

During the investigation, the outcome of the matter is determined by someone other than the parties during the investigation.

14.1 Purpose

To determine the validity of a complaint/grievance by using a fair and just process to collect information and evidence.

14.2 Who will be the investigator(s)?

The following people will be appointed as investigators unless the parties agree to an independent arbiter who may be selected by them:

- Student complainant: Teacher, Well-being coordinator, Curriculum coordinators, Principal.
- Parent complainant: Well-being coordinator, Curriculum coordinators, Principal and or admin staff
- Staff complainant: Well-being coordinator, Curriculum coordinators, Principal. Principal or the Chair of College Board if the complaint is about the Principal.

14.3 The role of the investigator

The investigator must maintain impartiality and confidentiality at all times. Although the investigator may need to speak to witnesses to conduct some elements of the investigation, they must not disclose sensitive information about the investigation or the parties. Investigators may:

- Conduct interviews with either party
- Speak to witnesses
- Study any information provided by the complainant and the respondent. This may include written materials, witness accounts or any other evidence directly related to the issues that the party wishes to be considered.

14.4 The process

The following process is to be followed as closely as possible. There may be a variation to this process depending on the nature and outcome of the investigation which will be openly discussed with both parties.

- The investigator shall commence the investigation within seven working days of the complainant requesting an investigation.
- At the outset, the investigator should determine likely timeframes with both the complainant and respondent, and should advise both parties if any variation is necessary during the course of investigating the grievance.
- As a general rule, grievances should be handled and resolved as quickly as possible. Grievances of greater complexity or requiring a more formal approach will take longer.
- Inform all parties of the procedures under which the grievance is being handled and provide copies of the relevant policy and documents.
- The investigator conducts the investigation using the necessary tools and procedures to ensure impartiality and fairness during the process.

- The investigator keeps a detailed account of all findings during the process, including copies of all/any correspondence, minutes from meetings, telephone conversations, witness accounts.
- Based on the information/evidence which they have collected, the investigator may wish to uphold or dismiss the grievance/complaint.

- The investigator provides a written report outlining the complaint/grievance and their findings.
- All documents and final reports are to be kept by the college in accordance with legislation requirements.
- Copies of the final report are provided to the complainant and respondent.
- *Where an investigation reveals matters of a more serious or criminal nature it will be turned over to the appropriate authorities or government agencies, for example Community Services or the NSW Ombudsman. In this case, the Principal will seek advice from AISNSW for further direction.*

15. Phase 4 – Appealing a decision

As part of the college's commitment to procedural fairness, the Grievance Policy and Procedures make allowance for complainants and respondents to appeal a decision made by an investigator. In this case, the Principal will make the final determination regarding a decision made by an investigator. If the grievance is regarding the Principal, then the Chair of the college board will make the final determination.

In the case of a grievance/complaint made by a student, their parents/carers have the right to appeal the decision on their behalf.

15.1 Purpose

To allow a complainant or respondent to appeal a decision made by an investigator if they are not happy with the outcome.

15.2 The role of the Principal/Chair

The Principal/Chair will make the final determination regarding a decision made by an investigator. He/she:

- Observe all aspects of *procedural fairness* throughout the appeals process.
- Maintain impartiality and confidentiality throughout the process.
- Will examine all documents related to the grievance/complaint provided by the complainant and respondents.
- Will examine all documents related to the grievance/complaint provided by the investigator.
- Provide a written report to all parties outlining his/her final determination.
- Provide copies of all documents to the office for keeping in accordance with legislation requirements.

15.3 The process

Once the complainant and respondent have been informed in writing of the decision made by an investigator, they have the right to appeal the decision if they are not happy with the outcome.

- Appeals must be made within seven (7) days of the complainant/respondent receiving the final investigation report.
- The appropriate *Investigation Appeal* form must be completed. **Note: Different forms are provided for complainants and respondents.**
- All appeals will be handled by the Principal.
- The Principal/Chair will make contact with the person making the appeal within seven (7) working days of receiving the appeal.
- All relevant policy and documents will be provided to both parties which outline the process for an appeal.
- The Principal/Chair **may only** uphold or overturn the original decision made by the investigator.

16. What happens if the complainant or respondent is not happy with the appeal decision?

There will be instances where a complainant or respondent may not be entirely satisfied with an appeal determination made by the Principal. In this case the person has the right to appeal the decision with the relevant authorities.

For employees, matters can be taken up with the NSW ombudsman or Fair Work Australia (Fair Work Ombudsman) who may offer assistance and legal advice. Alternatively, employees can also seek assistance from AISNSW who may be able to offer basic advice and assistance. Contact details are provided below.

For students and their families, they may seek the assistance of the NSW Ombudsman. The contact details are provided below.

- **Fair Work Australia - Fair Work Ombudsman – contact details**
<http://www.fairwork.gov.au/>
 - Phone: 13 13 94
- **NSW Ombudsman – contact details**
<https://www.ombo.nsw.gov.au/>
Phone: 02 9286 1000

- ***AISNSW – contact details***
<https://www.aisnsw.edu.au/>
Phone: (02) 9299 2845

17. Maintenance of this Policy

The College Board in conjunction with the Principal, Well-being coordinator and Curriculum coordinators are responsible for gauging how well the Grievance Procedure is working. The College Board will review the policy annually.

The College Board reserves the right to amend this policy at any time

Addendum 1



IRFAN COLLEGE

Grievance/Complaint form - Parents

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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Class	Curriculum	Well-being	Principal	Office
Teacher	Coordinator	Coordinator		

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).

[illegible]

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

How do you think this issue can be resolved?

Date:

Signature:

Addendum 2



IRFAN COLLEGE

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 Teacher	<input type="checkbox"/> Curriculum Coordinator	<input type="checkbox"/> Well-being Coordinator
<input type="checkbox"/> Principal	<input type="checkbox"/> Office	
COMPLAINT DETAILS:		
<i>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).</i>		

[illegible]

How do you think this issue can be resolved?

[illegible]

How do you think this issue can be resolved?

Date:

Signature:

Addendum 4



IRFAN COLLEGE

Appeal of Investigation Form – Students/Parents

SECTION A: STUDENT/PARENT DETAILS		
Family name:	First name:	Class:
PARENTS DETAILS		
Title: Mr/Mrs/Ms		
Family name	First name:	
Address:		
Home phone:		Mobile number:

SECTION B: Grounds for Appeal of Investigation

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

How do you think this issue can be resolved?

Date:

Signature: