

## **Garden College**

# **Complaints and Grievances Policy**

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**Prepared By:** Executive Team

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**Reviewed by:** Leadership Team

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## 1. Rationale

The Garden College aims to provide a safe and supportive environment to all stakeholders. College is committed to resolving concerns, complaints and grievances in a manner which reflects our values and respects the dignity of the individuals concerned. Garden College recognises the rights of its students, parents, volunteers, contractors, visitors/community members and employees to register a complaint or grievance about a decision, behaviour, act or omission that they may feel is unfair, discriminatory or unjustified.

This policy does not apply to complaints alleging criminal or unlawful behaviour as these types of complaints will be referred to the appropriate authorities.

## 2. Key Elements

### 2.1. Impartiality and procedural fairness:

- The complaint will be investigated in a fair and impartial manner.

### 2.2. Confidentiality:

- No action will be taken against the person about whom a formal complaint is lodged until they are made aware of any allegations so that they may respond.
- The College respects the privacy of every individual and will protect personal information provided by a complainant in the complaints and grievances process. As part of an investigation other parties may be informed on a need to know basis. Mediators are to use discretion and maintain confidentiality. Any deliberate breach of confidentiality may result in a charge of misconduct. However, if a grievance involves a child protection issue or if it is considered that someone is in danger, external authorities will be informed immediately.

### 2.3. Time Frame:

- Receipt of complaint/grievance will be acknowledged within a 24-48 hour time frame. Each complaint will be finalised as soon as practicable. Complainants will be advised if the matter cannot be finalised within one month.

### 2.4. Fair and Impartial Handling:

- The college treats the grievances and respondents of the grievances fairly.
- If there is any conflict of interest, the persons concerned should not be involved in handling the case or have access to information related to it.
- To avoid conflict of interest, any staff member who is the respondent of the grievance should not be involved in handling the case, supervising the investigation, or signing and issuing letters to the complainant.

- Should a **conflict of interest** arise during a grievance of complaint that involves leadership staff then an alternate mediator will be nominated as an alternative mediator in which all parties agree to.

### 3. Definitions

- a. **Complainant:** any person who has a grievance. This may include any member of staff, employee, parent or student.
- b. **Complaint:** any verbal or written grievance from parents/guardians, staff, child, committee, or person involved with the service.
- c. **Grievance:** any concern or complaint about any act, behaviour, omission, situation or decision that someone thinks is unfair or unjustified.
- d. **The College:** Garden College.

### 4. Rights and Responsibilities

#### 4.1. 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

#### 4.2. Rights and Responsibilities of Respondents

The respondent has the right to:

- represent 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

## 5. Contact Officers

Contact Officers 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.

## 6. 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 and encouragement throughout the process. Support persons should not themselves be directly involved in the matter which is the subject of the grievance.

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 Wellbeing 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/or Principal.

## 7. Procedure

The grievance procedure consist of four phases.

### 7.1. Phase 1: Informal Discussions

#### 7.1.1. Purpose

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

### **7.1.2. 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.

### **7.1.3. Process**

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

## **7.2. 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.

### **7.2.1. 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.

### **7.2.2. The role of 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

### **7.2.3. 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 all the aspects of the complaint (refer to the appendix for a copy of this form). Please note that 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.

### **7.3. Phase 3 – Investigation**

This phase is to be utilised when 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.

#### **7.3.1. Purpose**

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

#### **7.3.2. 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.

#### **7.3.3. 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.

#### **7.3.4. 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 SA Ombudsman. In this case, the Principal will seek advice from AISSA for further direction.

#### **7.4. 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.

##### **7.4.1. Purpose**

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

##### **7.4.2. The role of the Principal/Chair**

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

- 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.

##### **7.4.3. 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.
- 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 uphold or overturn the original decision made by the investigator.

## 8. Unresolved Grievances

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 Association of Independent Schools of South Australia or Fair Work Australia (Fair Work Ombudsman) who may offer assistance and legal advice. Contact details are provided below.

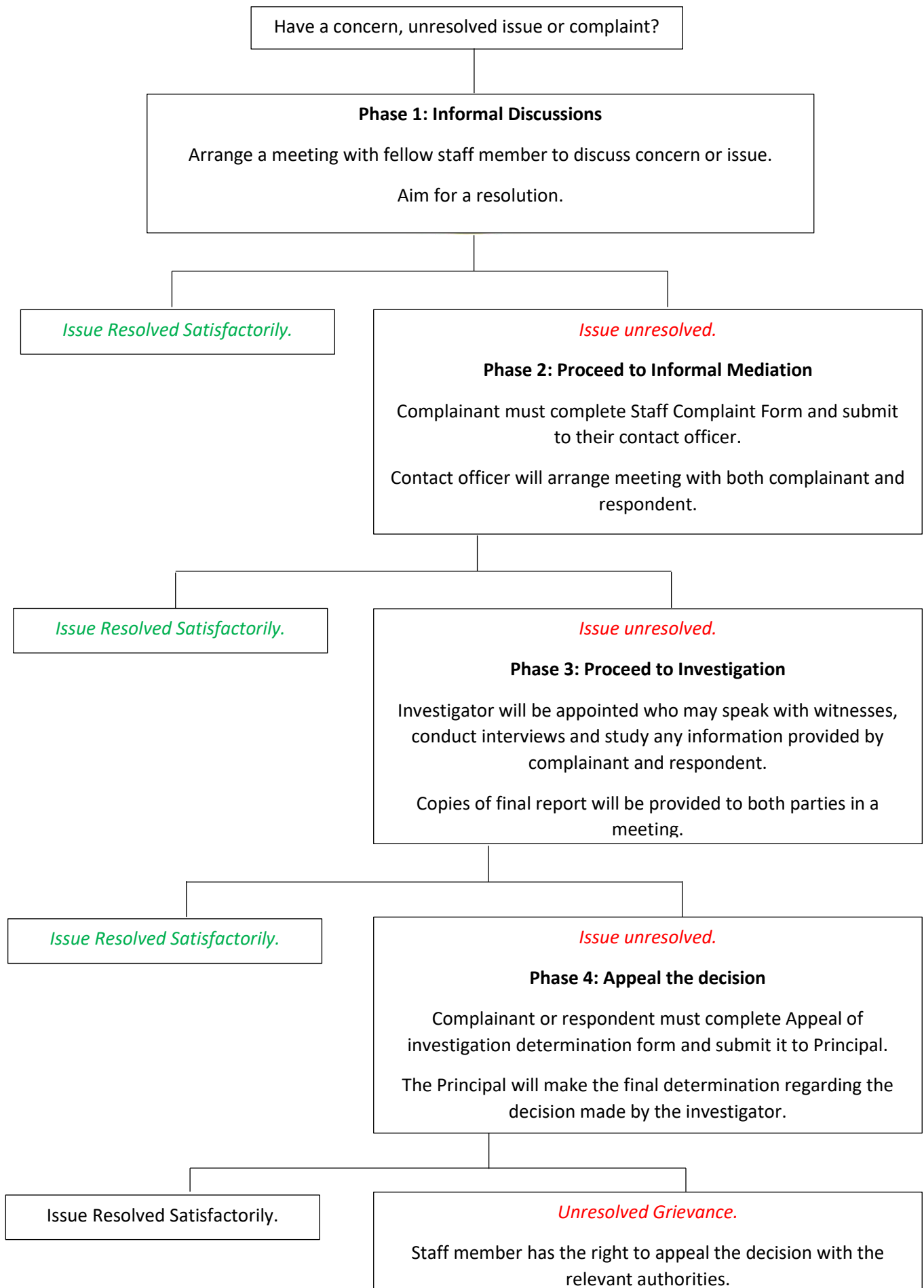
- Fair Work Australia - Fair Work Ombudsman  
<http://www.fairwork.gov.au/>  
Phone: 13 13 94
- The Association of Independent Schools of South Australia  
[www.ais.sa.edu.au](http://www.ais.sa.edu.au)  
Phone: (08) 8179 1400

## 9. Maintenance of this Policy

The Principal, Well-being and Curriculum coordinators are responsible for gauging how well the Grievance Procedure is working.

The College Board can review and reserves the right to amend this policy at any time.

## Flow Chart of Staff Grievance Resolution Process













## Garden College

### Student/Parent Complaint Investigation Form

**Contact Officer:**

**Student Details**

**Family name:**

**First name:**

**Class:**

**Parents Details**

**Title: Mr/Mrs/Ms**

**Family name:**

**First name:**

**Address:**

**Home phone:**

**Mobile number:**

**Investigation Record (Please attach all relevant documents such as complaint form, emails, phone records and any minutes of the meeting) :**

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