



Complaints, Grievances, Allegations & Suggestions Policy

1. INTRODUCTION

Newington College encourages open communication between all staff, students, parents, alumni, visitors and members of the community. In the event of a complaint, grievance, allegation or suggestion, the College promotes a proactive and common-sense approach to dealing with the issue.

The purpose of this policy is to outline the College’s requirements for the management of complaints, grievances, allegations and suggestions. It also addresses the complexity and diversity of the complaints that the College may receive. In addition, it acknowledges the inherent risks in not managing complaints, grievances, allegations and suggestions effectively and efficiently. It also addresses the differences between a complaint, grievance (in an industrial sense) and allegation.

The procedures emphasise the necessity of dealing with complaints in terms of the potential seriousness of the complaint rather than on the basis of the category of person who makes the complaint. This means that aggrieved staff members, parents, students and members of the community will be treated on equal terms.

Staff need to be familiar with these procedures so that they are applied consistently. The College will advise the community about these procedures in a variety of ways including the College website and portals and annual report.

This policy applies to all staff and students, including those over 18 years of age. Where a student is under 18 years of age the parent/caregiver can lodge the complaint, grievance, allegation or suggestion on their behalf and act on their behalf in the resolution.

2. DEFINITIONS

Allegation:	A person’s statement of a factual matter as being true.
Complaint:	Any concern, behaviour or situation which someone thinks is unfair.
Complainant:	A person making a complaint.
Confidentiality:	An obligation to the provider of information to protect their interests e.g. by not disclosing their identity or the details of their information except to those with the right to know.
Grievance:	A type of staff complaint – a concern, complaint or dispute raised by an individual concerning an incident, judgement, situation, decision or problem between employee and employer, that may impact on the staff member’s performance or the work environment (Independent Schools NSW Standards Model (Teachers) Multi-Enterprise Agreement 2017)
Investigation:	An enquiry into the fact and circumstances surrounding a grievance or complaint or allegation, undertaken by an independent party leading to a report.
Management:	The Senior Executive Staff of the College, Headmaster and Heads of Campus.
Negotiation:	Process by which a solution or agreement is developed through discussions or correspondence with the other person. The process requires participants to consider,



	compromise or come to an alternative solution.
Mediation:	A confidential voluntary process, where a neutral party, mediator, assists the parties involved in the dispute to reach some common ground and arrive to an agreed settlement.
Delegate:	The grievance handler as nominated by the Headmaster or delegate.
Resolution:	Where parties agree on a future course of action, or the complaint is withdrawn or a compromise is agreed on.
Procedural Fairness:	The fair application of the procedure/policy by the decision maker.
Respondent:	A person who has to account for their behaviour following an allegation or complaint. The term “alleged offender” is also used to describe a respondent to an allegation.
Student:	A student of the College, including those over eighteen (18) years of age.
Suggestion:	An idea, proposal or plan offered for consideration.
Support Person:	A person who accompanies a complainant or respondent to a meeting or interview to provide support and advice. They may be a union representative or contact officer.
Systems Improvement:	The process of identifying and acting in the causes of complaints, inefficiencies or other quality problems, usually by adjusting procedures and issuing updated documentation.

3. THE POLICY

- 3.1 The policy is to be used in conjunction with other policies including but not limited to Workplace Behaviour, Child Protection and Workplace Health and Safety.

Complaints, grievances, allegations and suggestions can come from a wide variety of sources including parents, teachers, students, ex-students and members of the wider community.

Grievance, complaints and allegations are to be resolved as soon as possible, at the lowest possible level, preferably through consultation, negotiation and mediation.

Assistance may be sought from the Headmaster or Head of Campus at any stage.

Confidentiality is to be maintained at all times.

Complaints, grievances, or allegations are managed in accordance with relevant Commonwealth and State laws and legislation.

Complaints, grievances or allegations may be notified orally or in writing. If oral, it should be put in writing and assistance can be provided if needed.

Newington College does not tolerate the raising of false or malicious complaints, grievances or allegations. Such behaviour may result in disciplinary action, or leave the person open to litigation by the respondent.

4. COMPLAINTS FROM PARENTS AND STUDENTS

In the case of parent and student complaint against employees:

- 4.1 The College acknowledges that parents and students over the age of eighteen (18) have the right to raise concerns that they may have regarding their child's education, or their own education and have them addressed appropriately.
- 4.2 The policy set out here is to ensure that complaints are dealt with in a fair and transparent way, recognises the legal obligation of the College in its duty of care to the student but also gives procedural fairness and natural justice to the employee. In the absence of this in a policy, the College is vulnerable to individual complaint and runs the risk of reacting in a resource-intensive way and being inconsistent with its treatment of individual complaints. This is an unacceptable risk.
- 4.3 The general principles of the policy apply with an emphasis on the following outcomes:
- (a) Determination where there has been an unsatisfactory, inappropriate practice or action, as early as possible in the fairest and most objective manner.
 - (b) Implementation of any necessary change to bring about better educational, pastoral, administrative outcomes as appropriate.
 - (c) The achievement of positive relationships between parties based on open and transparent processes which afford all parties natural justice, procedural fairness and due process.
 - (d) The establishment of confidence in the College and its staff based on attempting to achieve a mutually beneficial situation where concerns have been aired, tested and, if demonstrated to have substance, agreed processes and procedures are implemented by parties and reviewed over an agreed timeline.

5. LODGING OF A COMPLAINT, GREIVANCE, ALLEGATION OR SUGGESTION

5.1 Matters Regarding Child Abuse

Matters that are to be reported to the Department of Family and Community Services are to be reported directly to the Head of Campus or Headmaster, who will report the matter to the Department of Family and Community Services. If the allegation is against the Headmaster, then it is to be made to the Chairman of the Newington College Council. This protocol is to be used in all complaint situations related to child abuse.

5.2 Allegations Regarding Child Protection

These are to be lodged with the Headmaster or Head of Campus in accordance with the College's Child Protection Policy and relevant legislation. Procedures and processes for managing these allegations are set out in the College's Child Protection Policy.

5.3 Complaints, Grievances, Allegations or Suggestions Regarding Matters Such as Employment, Bullying, Harassment, Sexual Harassment, Equal Employment Opportunity and Discrimination

These are to be lodged with the Head of Campus. Procedures and processes for managing these are in accordance with relevant legislation and industrial awards. If the complaint, grievance or allegation is against the Head of Campus, the complaint is lodged with the Headmaster.

The Head of Campus (or Headmaster) will liaise closely with the Director of Human Resources and refer where relevant to the Workplace Behaviour policy, regarding complaints, grievances, allegations or suggestions regarding employment, bullying, harassment, sexual harassment, equal employment opportunity and discrimination.

5.4 Complaints and Suggestions Related to the Community (Parent, Student, Wider Community)

In general, these are lodged with the relevant campus personnel e.g. Head of Campus or Headmaster. Procedures and processes for managing these include referral to relevant personnel for follow up e.g. student behaviour in public, to the Head of Campus or their delegate.

In keeping with the College's policy of resolving matters at the lowest possible level, attempts should be made to resolve the problem before a complaint is lodged e.g. an appointment made with the relevant staff member to discuss the matter.

If this approach is not successful the complaint is to be lodged with the Head of Campus, who will delegate responsibility for resolution of the complaint to the most suitable person to resolve the matter formally.

From this point, negotiations, mediation, remedy and system improvements may be used to resolve the situation and bring closure.

5.5 Grievances, Complaints, Allegations or Suggestions by Staff

In the first instance, complaints, grievances, allegations or suggestions are to be raised with the staff member's immediate supervisor unless the grievance relates to the supervisor. The supervisor will assess the issue and explore options for resolution in an attempt to resolve the matter. The matter is to be dealt with confidentially by all parties concerned.

The supervisor will keep the aggrieved staff member(s) informed of progress in an attempted resolution.

If the grievance relates to the staff member's supervisor, or the matter is unresolved by the supervisor, the staff member is to raise the matter with the Head of Campus and/or Director of Human Resources.

The Head of Campus and/or Director of Human Resources will provide support to the supervisor and complainant to resolve the matter.

The supervisor, manager, Head of Campus or Human Resources Director will keep the aggrieved employee informed of progress in an attempted resolution.

Complaints, grievances regarding the Head of Campus are to be lodged with the Headmaster.

6. RESOLUTION PROCEDURES

6.1 Complaint, Grievance, Allegation or Suggestion Unresolved at First Attempt

If the matter cannot be resolved informally or at the first attempt by the relevant person/delegate, the complainant can escalate the matter to the most appropriate person in the management group for further negotiation, mediation or consultation.

The Head of Campus will provide support at each stage of resolution.

6.2 Investigation / Review

At any stage, the Headmaster or Head of Campus may appoint an independent investigator to conduct an investigation/review into the grievance, complaint or allegation.

The purpose of this strategy is to ensure objectivity and independence when the complaint, grievance or allegation is highly sensitive or internal objectivity could be questioned.

6.3 Representative, Support Person Involvement

At any stage, an employee may request a support person to be present in a discussion with the immediate supervisor and his/her supervisor in an attempt to resolve the matter amicably. The support person may not act as an advocate for the person during these meetings.

6.4 Use of a Mediator

A mediator may be requested by either party and accepted by mutual agreement, where attempts at resolution have failed.

6.5 During Investigation, Resolution of a Complaint, Grievance, Allegation or Suggestion

While the dispute-setting process is taking place, the employee is to continue in their position as normal, unless the situation is unworkable or unsafe.

Should the situation be considered by management, in consultation with the Head of Campus and Director of Human Resources, to be unworkable or unsafe, management is to take action to remove the employee from the situation. Unsafe or unworkable situations include, but are not limited to:

- (a) Where the dispute between the employees is having a serious adverse impact on the rest of the workplace.
- (b) Where the employee is at risk of injury or illness.
- (c) Child protection matters.

6.6 Resolution Not Reached

If a resolution is not reached, then the relevant person will make a decision within five (5) working days of when it is clear there is an impasse and document and notify both parties. Remedy or systems improvement may also be implemented.

6.7 Appeal

Either party will have the right to appeal the decision or use of the procedure. The appeal is to be lodged with the Headmaster for consideration.

6.8 Complaints, Grievances, Allegations Against Heads of Campus

These are to be made to the Headmaster and a similar process to that outlined in this document will be followed, but managed by the Headmaster or delegate.

6.9 Complaints, Grievances, Allegations Against the Headmaster

These are to be made to the Chairman of the College Council, and a similar process to that outlined in this document will be followed.

6.10 Complaints, Grievances, Allegations or Suggestions Made by Persons with Disabilities or Limited English

Where complaints, grievances, allegations or suggestions are made by persons with disabilities, or limited English, they are to be given every assistance through caregivers, translators or other relevant persons.

7. GENERAL PROCEDURES

7.1 Complaint, Grievance, Allegation and Suggestions Procedure

Step 1 – Refer the Matter to the Delegate Person (i.e. Head of Campus)

- (a) Person refers the matter to the appropriate delegate, person as soon as possible.
- (b) The delegate is the supervisor responsible for the person or matter of complaint.

Step 2 – Delegate Reviews

- (a) Assess the area into which the complaint, grievance, allegation or suggestion falls.
- (b) Assess the substance of the complaint where there can be a remedy or systems improvement to prevent future problems. In this case the complaint may really be a suggestion. Areas that may be addressed or used are:
 - Policy development or review.

- Expert assistance.
- Staff development or performance improvement.
- Procedure change.

(c) Discuss these with relevant personnel, and reconnect with the relevant person.

Step 3 – Anonymous or Confidential Complaint, Grievance, Allegation or Suggestion

In circumstances whereby the identity of a complainant is not known, the College will consider whether the allegations substantiate a breach of College policy or law. If the allegations do substantiate a breach of College policy or law, the College will take reasonable steps to investigate the matter which will vary subject to the particular complaint.

In circumstances whereby, a confidential complaint is made, a complainant will be informed prior to making a complaint that due to procedural fairness, the other party will be notified of the complaint and have an opportunity to respond to it. If a complaint alleges unlawful behaviour or conduct that poses a risk to the health and safety of others, the College will be obligated to take appropriate measures.

Step 4 – Implement the Complaint, Grievance Process – Negotiation, Consultation, Mediation

- (a) Obtain the written complaint or put the verbal complaint in writing.
- (b) Acknowledge complaint five (5) working days as a guide from receipt.
- (c) Notify respondent of complaint five (5) working days as a guide from receipt.
- (d) Gather information.
- (e) Arrange meeting(s) or communication(s).
- (f) Achieve resolution as efficiently as possible – as guide and when possible, this should be within fifteen (15) working days of receiving complaint.
- (g) Document and notify complainant and respondent.
- (h) Implement remedy and systems improvement if needed.

Step 5 – Escalation (Prior to Final Decision)

- (a) If the complainant or respondent can show the procedure is not being used correctly, or the situation has reached an impasse, then the matter can be directly referred to the Deputy Headmaster or Head of Campus (depending on the nature of the complaint and complainant) prior to the resolution or decision.
- (b) In general, if this occurs the complainant or respondent is referred back to the delegate. However, if it can be shown that the procedure is not being used correctly, then they can escalate the complaint to the person immediately above those who have been involved in the process to date. Complainants can also refer the matter to external bodies which may include the NSW Anti-Discrimination Board, Worksafe NSW, Australian Human Rights Commission or Fair Work Australia.

Step 6 – Decision Following Unsuccessful Negotiation

- (a) If resolution is not reached, then the delegate or the person to whom the matter has been escalated must make a decision.
- (b) The delegate should notify the parties that this will occur.
- (c) The delegates should consider:

- The complaint and staff member's response
 - Any outcome from negotiation discussions and meeting all relevant information.
 - Any relevant policy.
- (d) The delegate's decision may include one or more of the following:
- Dismiss the complaint.
 - Declare the resolution is not possible as the parties are unable to reach resolution.
 - Conclude the complaint has been substantially resolved.
 - Uphold the complaint and implement specific action to address concerns.
 - Determine both parties are at fault and implement action to address the behaviour of both parties.
- (e) The parties should be notified of the decision in writing with reasons within five (5) working days of the notification referred to above.

Step 7 – Appeals

- (a) Either party will have a right to appeal the decision of Step 6.
- (b) All appeals are to be lodged with the Headmaster for consideration and final decision.

7.2 Documentation

- (a) It is required that the complaint, grievance, allegation or suggestion be documented, records all meetings, actions be noted in a file until resolution or decision by the delegate.
- (b) At completion of the resolution the file is to be sent to the Human Resources Department for secure filing.

8. COMMUNICATION OF THE POLICY

8.1 Communication Mediums

The policy includes procedures which shall be communicated to all staff members, students and parents through the College Portal, Annual Report and communications such as the “Black and White” College newsletter.

8.2 Induction

Communication shall be effected by inclusion of the policy in the induction process of staff members and students and published on SPACES.

8.3 Acknowledgement and Understanding

All staff should acknowledge receipt of this policy and their understanding through the College's policy compliance process on an annual basis.

9. PROCEDURES FOR PARENTS AND STUDENTS TO LODGE COMPLAINTS

9.1 Initial Contact with the College

Parents or students wishing to make a complaint or suggestion should contact the staff listed below in the first instance. If there is no resolution then the matter should be referred to the Deputy Headmaster.

Name	Position
Mr David Roberts	Deputy Headmaster / Head of Stanmore
Mr Adam Bowen	Director of Human Resources
Mr Ian Holden	Head of Wyvern Preparatory School
Mr Ben Barrington-Higgs	Head of Lindfield

10. GUIDELINES FOR STAFF IN RESOLVING WORKPLACE COMPLAINTS, GRIEVANCE

10.1 Handling a Complaint, Grievance, Allegation or Suggestion

Before a grievance is raised, there are a number of matters to consider:

- Ensure a full understanding of the facts of the situation and how the grievance will be communicated.
- Think about the way the complaint, grievance, suggestion or allegation should be resolved, and the outcome.
- Identify the consequences of the grievance being substantiated or not.

If the grievance concerns another member of staff, an effective way to resolve the grievance may be to speak directly with the other person concerned in an attempt to resolve the issue informally between the two parties. The manager, supervisor or Head of Campus may be able to assist in finding the best approach to resolve the grievance with the other person.

If resolving the grievance directly with another staff member is not appropriate, or not effective, the individual may need to address the issue by working through the grievance, complaint procedure.

10.2 Support Person

A witness may be present during the discussions, such as another staff member, a representative from either the general staff Common Room, contact officer, or the respective unions. The role of the witness may be to provide support and advice but the witness should not be directly involved in the discussion of the matter.

10.3 Use of a Mediator

A mediator is a neutral, independent trained party who has no bias towards either side. The role of the mediator is to facilitate discussions between the parties in order to reach a resolution; this may be done by encouraging open communication and to let either party reflect on other points of view.

A mediator may be requested by either party in an attempt to achieve a resolution if independent discussions have been unsuccessful. In general, this will be the Head of Campus and/or Human Resources Director.

10.4 Where the Complaint, Grievance, Allegation or Suggestion Concerns the Supervisor or Manager

If the grievance involves the supervisor or manager and the individual feels that approaching them directly may not be appropriate, a confidential meeting can be arranged with someone from the next level of management or the Head of Campus.

10.5 What Happens While the Grievance is Investigated?

While the dispute-settling process is taking place, the employee is to continue in their position as normal unless advised otherwise. You will be advised by the supervisor or the Head of Campus, or Headmaster accordingly.

10.6 Confidentiality

Throughout the grievance process, confidentiality is maintained with only those people directly involved in raising, investigating and/or finding a solution to the grievance having access to the information. This is emphasised in all interactions and throughout the resolution process.

10.7 Can the Individual Make an Informal Complaint?

In all complaints, grievance cases, action is necessary to address the concerns and to achieve an amicable resolution for all parties involved. Therefore, if a concern is raised, all should be aware that it will be handled as a formal complaint and the College will manage it accordingly.

10.8 What if a Staff Member Has a Complaint, Grievance, Allegation Against Another Employee?

If someone lodges a grievance about another employee, the employee will be notified and given the opportunity to respond to any allegations.

10.9 What Happens if a Complaint, Grievance, Allegation or Suggestion is Unsubstantiated?

In the event an investigation finds a grievance is unsubstantiated, all relevant parties will be advised of the result. Where the complaints are found to be vexatious, the College will consider the relevant legal framework and proceed accordingly.

11. GUIDELINES FOR MANAGERS RESOLVING WORKPLACE COMPLAINTS, GRIEVANCES, ALLEGATIONS AND SUGGESTIONS

11.1 Management Guide – Handling a Complaint, Grievance, Allegation or Suggestion

Note, these guidelines apply for the resolution of all complaints, grievances, allegations and suggestions, regardless of where they come from.

Step 1 – Listen to the Complaint, Grievance, Allegation or Suggestion

- (a) Hear the complaint, grievance as soon as possible.
- (b) Talk to the staff member privately.
- (c) Establish facts: what, where, when, who, how and why?
- (d) Document the discussion and facts.
- (e) Clarify your understanding of the situation and read back to the staff member.
- (f) Empathise with how the staff member feels about the issue.
- (g) Ascertain their needs and how it may be solved.
- (h) Take all the allegations seriously.

Step 2 – Has the Staff Member Approached the Other Party?

- (a) Is it appropriate?
- (b) Seek a resolution at the lowest possible level throughout negotiation, mediation, consultation and discussion.

- (c) Offer assistance within limitations.
- (d) Propose to sit with both parties on discussions.
- (e) Document the discussion and outcomes.

Step 3 – Awareness

- (a) Explain the complaint, grievance procedure and give a copy.
- (b) Discuss confidentiality.
- (c) Explain consequences if claim substantiated or not.

Step 4 – The Other Party

- (a) Discuss the matter with the other party.
- (b) Look for methods of resolution.
- (c) If appropriate, bring both parties together.

Step 5 – Documentation

- (a) Ensure all discussions are documented and any evidence retained.
- (b) Seek witnesses.

Step 6 – Communication

- (a) Maintain open communication and confidentiality with all parties at all times of progress.
- (b) Consult with the Head of Campus at the outset.

Step 7 – Agreement

- (a) If a solution has been achieved, document and ensure all parties clearly understand the terms of agreement by acknowledging by signature.
- (b) Obtain acknowledgement by all parties by signing agreement.
- (c) This would be done in consultation with the Head of Campus.
- (d) Where there is no agreement, a decision will be made by the Deputy Headmaster and communicated to all parties.

Step 8 – Follow Up

- (a) Check that all parties involved have implemented the agreed solutions.

12. REPORT WRITING, FILING AND CLOSURE

12.1 Report Writing

The report of the complaint is to have the format:

- (a) Issue.
- (b) Background.
- (c) Actions taken.

Signed:		Date:	
Received by:		Date:	
NOTE: A copy is to be given to the Complainant along with the College's Policy.			

Reviewed by	Date	Date of Next Review
Deputy Headmaster / Director of Human Resources	June 2018	June 2019

