



ACS

COMPLAINTS and GRIEVANCE POLICY and PROCEDURES

Version 2

2023

Written By	Chief Executive Officer, Principal
Approved By	CEO
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Relevant to	All Assyrian Christian Schools Staff, Students and Affiliates
Related Documents	<ul style="list-style-type: none">• Child Protection Policy• Student Behaviour Management Policy• Wellbeing Policy• Discrimination, Harassment and Workplace Bullying Policy• Privacy Policy• Anti-Bullying Policy• Communications Policy• Code of Conduct Policy
Legislation	<ul style="list-style-type: none">• the <i>Children and Young Persons (Care and Protection) Act 1998</i>• the <i>Child Protection (Working with Children) Act 2012</i>• the <i>Children's Guardian Act 2019</i> ("Children's Guardian Act")• Education Act 1990 (NSW) as amended by the Education Amendment (non-Government Schools Registration) Act 2004 (NSW).• Civil Liability Act 2002.
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Table of Contents

COMPLAINTS and GRIEVANCE POLICY and PROCEDURES.....	1
Complaints and Grievance Policy and Procedures.....	3
1. Purpose.....	3
2. Scope.....	3
3. Definitions.....	3
4. Accountability.....	3
5. Rationale.....	3
6. Aim.....	3
7. Procedures in Addressing the Complaint or Grievance.....	4
8. Appendix 1.....	7
General Principles of Complaints.....	7

Complaints and Grievance Policy and Procedures

1. PURPOSE

- 1.1 The Complaints and Grievance Policy and Procedures document is intended to be provided to stakeholders of Assyrian Christian Schools (ACS) to provide a mechanism for identifying complaints and/or grievances about matters at ACS. This document specifies a process to be applied to such grievances when raised with ACS and makes clear that ACS will decide the most appropriate method of dealing with the matter on a case-by-case basis.
- 1.2 ACS' policies which are made from time to time are made pursuant to the requirements set out in section 47 of the *Education Act* and of the NESAs for registration of the College.

2. SCOPE

- 2.1 This policy applies to all stakeholders associated with ACS.

3. DEFINITIONS

- 3.1 **Complainant** means any person who has a concern or grievance.
- 3.2 **Complaint/Grievance** means a concern or expression of dissatisfaction about any act, behaviour, omission, situation, or decision that someone thinks is wrong, unfair unjust or discriminatory. A grievance may be brought against ACS, a specific department or about an individual member of staff.
- 3.3 **Procedural fairness** (also known as natural justice) means the rules or principles developed to ensure that decision-making is fair and reasonable. It involves the decision maker informing people of the case against them or their interests, giving them the right to be heard, not having a personal interest in the outcome and acting only based on logically probative evidence.
- 3.4 **Respondent** means any person against whom a complaint/grievance is brought.

4. ACCOUNTABILITY

- 4.1 The Chief Executive Officer (or delegate) is responsible for writing and/or implementing this Policy.

5. RATIONALE

- 5.1 ACS recognises that people may have complaints or grievances about matters at a school.
- 5.2 It is important that all stakeholders feel comfortable in raising issues, knowing that appropriate action will be taken to address their concerns.

6. AIM

- 6.1 Early intervention in areas is essential in developing a culture of confidence in the school and prevents the escalation of issues.
- 6.2 To ensure that complaints and grievances lodged at ACS are resolved in a prompt and efficient manner.
- 6.3 To promote the highest standard of professionalism in dealing with our community.

7. PROCEDURES IN ADDRESSING THE COMPLAINT OR GRIEVANCE

Initial Contact

7.1 A person may at any time contact ACS regarding a complaint or grievance.

7.2 Stakeholders will be notified of this process through the following methods

- 7.2.1 Professional Development Days in January of each year for staff
- 7.2.2 In meetings with staff
- 7.2.3 Student assemblies

See Appendix 1 for General Principles of Complaints.

7.3 Staff

- 7.3.1 A teaching staff member may do this by emailing the Principal or Deputy Principal.
- 7.3.2 If the complaint is about the Deputy Principal, the Principal would be notified.
- 7.3.3 A non-teaching staff member may email the Senior Executive member responsible for their area.
- 7.3.4 If the complaint or grievance is about the Principal or Chief Financial Officer, a staff member may email the Chief Executive Officer (CEO). If it is about the CEO, a staff member would email the Chair of the Board.
- 7.3.5 If the complaint or grievance is about a student, the staff member should email the appropriate Wellbeing Coordinator/Leader.
- 7.3.6 Complaints or allegations of staff misconduct or reportable conduct must be reported directly to the CEO. This must be reported immediately in writing, clearly detailing the issue. The CEO will immediately notify the Chair of the Board.

7.4 Students

- 7.4.1 If a student has a complaint or grievance about another student or a staff member, they should firstly discuss this with their Year Coordinator / Grade Leader or a trusted member of staff. Based on the discussion, the staff member may advise the student to communicate their concern in writing.
- 7.4.2 If the Year Coordinator / Grade Leader feels the student concern does not warrant a formal notification, the student may be directed to the student's teacher to address the complaint or grievance. This may take the form of a 1-on-1 conversation or mediation between the parties.
- 7.4.3 The teacher will make a record of the discussion and share this with the Year Coordinator / Grade Leader. The Year Coordinator / Grade Leader will share this with the Deputy Principal to determine if the actions taken were appropriate and if further attention is required.
- 7.4.4 A student who has been requested by a staff member, or feels they still wish to make a complaint (after discussion with a staff member), should express their concern in writing (such as a handwritten account or email) and submit this to their Year Coordinator / Grade Leader.
- 7.4.5 If the issue is about their Year Coordinator / Grade Leader, students should raise their concern with the Deputy Principal.
- 7.4.6 Complaints or allegations of staff misconduct or reportable conduct by a student about a staff member must be reported directly to the CEO. This must be reported immediately in writing, clearly detailing the issue. The CEO will immediately notify the Chair of the Board.
- 7.4.7 All documentation should be saved in the student and/or staff file on the ACS database.

7.5 External stakeholders (including parents)

- 7.5.1 External complaints or grievances should be made via the school website or via email/letter to the school
 - St Hurmizd - admin@sthurmizd.nsw.edu.au
 - St Narsai – info@stnarsai.nsw.edu.au
- 7.5.2 The Office Manager who receives the external complaint will forward the information to the Principal or CEO, who will then share this complaint or grievance with the relevant staff member (identified in Point 7.3) who will be responsible for documenting and following up on the complaint or grievance.
- 7.5.3 Parents who have concerns specifically about staff should email the Deputy Principal (for teaching staff at St Hurmizd) lbraD@shaps.nsw.edu.au, the Deputy Principal (St Narsai) mkhina@sthurmizd.nsw.edu.au or the Chief Financial Officer (non-teaching staff) paul.leotta@assrianschools.nsw.edu.au, who will then conduct the investigation.
- 7.5.4 Complaints or allegations of staff misconduct or reportable conduct by an external stakeholder about a staff member must be reported directly to the Principal via the email in 7.5.1, who will also inform the CEO. This must be reported immediately in writing, clearly detailing the issue. The CEO will immediately notify the Chair of the Board.

Step 1 - Process for the Handling of Complaints and Grievances

- 7.6 Complaints and grievances should be investigated within 7 working days.
- 7.7 Where, in the professional judgement of the designated investigating staff member who has received the complaint, the staff member or student concerned may be informed and involved, depending on the issue raised, to ensure both sides of the issue are investigated fairly.
- 7.8 The staff member or student whom the complaint or grievance is about should be given the option of responding in writing.
- 7.9 A meeting with the complainant and accused may be arranged, with a view to determining whether resolution can be achieved.
- 7.10 The investigating staff member will notify the person/people associated with the complaint or grievance of the outcome via written or verbal correspondence.
- 7.11 If the complaint or allegation is regarding staff misconduct or reportable conduct the CEO will notify the relevant external authorities, depending on the nature of the concern. An external assessor may be required to complete the investigation of the staff member accused.
- 7.12 The school may need to place a staff member to be investigated on complaints or allegations of staff misconduct or reportable conduct on paid leave until the investigation has been completed. Communication of the leave will be addressed by the CEO and Principal.

Step 2 - Mediation

- 7.13 If after the procedural steps outlined above the matter remains unresolved or should matters of disagreement or interpretation be unable to be resolved, the parties may undertake mediation:
- 7.13.1 Between the complainant, accused, investigating staff member and/or Senior Executive staff member (or CEO), depending on who the accused is.
- 7.13.2 ACS may appoint a mediator (at its cost) agreed to by the parties involved.
- 7.13.3 The mediation procedure is confidential and neither party can use as evidence in court proceedings any discussions between the parties and the mediator.
- 7.14 If the mediation process has been completed and resolution has not been achieved, then the decision as to whether any further action should be taken in relation to the complaint shall be solely at the discretion of the investigating staff member, Senior Executive staff member or CEO.

Step 3 – If Further Discussion is Necessary

- 7.15 If, following the procedure adopted above, the complainant still feels the matter has not been resolved, the complainant may choose to raise the concern with the next level of management.
- 7.16 The investigating staff member may choose to discuss the matter further with the complainant and, where the concern is based on misinformation, misunderstanding or is vexatious or misconceived, clarify the matter with the complainant.
- 7.17 The investigating staff member will notify the person/people associated with the complaint or grievance of the final outcome via written correspondence.
- 7.18 If an external investigator has been used for complaints or allegations regarding staff misconduct or reportable conduct, the investigator will notify the CEO of the outcome. Once the outcome has been determined, the staff member will be notified (either by an external investigator or CEO) and where a decision needs to be made by the CEO and Chair of the Board as to the future of the staff member, it will be done so within 7 working days. Notification of the outcome will be in writing.

Undertaking

- 7.19 Staff members against whom complaints are made undertake to not victimise or seek retribution against any complainant or student of any complainant because a complaint has been made.

Confidentiality

- 7.20 Confidentiality is a major issue in the handling of complaints and grievances. Confidentiality shall be maintained at all stages of the procedure with communication limited to those people who need to be informed in order to resolve the complaint or grievance.
- 7.21 The identity of the person reporting the matter must not be revealed to any person without that person's knowledge and consent, unless it is required to be disclosed by law.

Record Keeping

- 7.22 All complaints or grievances should be documented by the staff member responsible for the investigation. Records of the process for handling the complaint and any outcomes should be kept by the investigating/designated staff member.
- 7.23 Documentation should include (but is limited to)
- 7.23.1 Name/s of people involved in the process
 - 7.23.2 A record of each step of the process
 - 7.23.3 Each recorded entry to be dated
 - 7.23.4 Concerns raised should be recorded via email, written or verbally recorded
 - 7.23.5 Any interviews should be documented and shared with the interviewee for confirmation to ensure clarity, transparency and accuracy of the information
 - 7.23.6 All correspondence should be included
 - 7.23.7 All documentation should be digitised
- 7.24 Where a complaint is addressed or acted on, a copy of any reports related to the handling of the complaint may be provided to the staff member or parent of the student concerned, based on the Principal / CEO's decision.
- 7.25 All documentation should be added to the staff member's file and/or student's file (depending on whether the concern involves a staff member and/or student). Staff members will have access to the files kept on them by the School.

Equal Opportunity

- 7.26 ACS is committed to the principle of equal opportunity in the management of complaints. It believes that no complainant should be disadvantaged by the nature of the procedures in operation at ACS.

8. APPENDIX 1

General Principles of Complaints

Dealing with Complaints – Initial concerns

1. Senior Executive staff should be clear about the difference between a concern and a complaint or grievance. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
2. These key messages deal with complaints, but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. It would be preferred if both parties were able to resolve issues as soon as possible.

Framework of Principles

3. An effective Complaints/Grievance Procedure will:
 - Encourage resolution of problems by informal means wherever possible
 - Be easily accessible and publicised
 - Be simple to understand and use
 - Be impartial
 - Be non-adversarial
 - Allow swift handling with established time-limits for action and keeping people informed of the progress
 - Ensure a full and fair investigation by an independent person where necessary
 - Respect people's desire for confidentiality
 - Address all the points at issue and provide an effective response and appropriate redress, where necessary
 - Provide information to ACS' Senior Executive team so that services can be improved.

Investigating Complaints

4. It is suggested that at each stage, the person investigating the complaint or grievance ensures they:
 - Establish what has happened so far, and who has been involved
 - Clarify the nature of the complaint and what remains unresolved
 - Meet with the complainant or contact them (if unsure or further information is necessary)
 - Clarify what the complainant feels would put things right
 - Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
 - Conduct the interview with an open mind and be prepared to persist in the questioning
 - Keep notes of the interview.

Resolving Complaints

5. At each stage in the procedure ACS will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
 - an apology
 - an explanation
 - an admission that the situation could have been handled differently or better
 - an assurance that the event complained of will not recur
 - an explanation of the steps that have been taken to ensure that it will not happen again
 - an undertaking to review ACS policies in light of the complaint.
6. It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that ACS could have handled the situation better is not the same as an admission of negligence.
7. An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.
8. If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the investigating staff member is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.