



Student complaints policy and procedure

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NESA	Registered and Accredited Individual Non-government Schools (NSW) Manual – Nov 2021 – 3.6, 3.10.1, 4.1.6	
Relevant legislation/guidelines	Fair Work Act 2009 Privacy Act 1988 Disability Discrimination Act 1992 Equal opportunities Act 1987 Work health and safety Act 2011 External avenues for appeal: Fair Work Ombudsman - www.fairwork.gov.au	
Related documents	Workplace complaints policy and procedure Privacy policy and procedure Records management policy and procedure Student code of conduct Staff code of conduct Child protection policies Bullying and harassment (including sexual harassment) in the workplace policy and procedure Investigations policy and procedure Whistleblower policy and procedure Privacy policy Work health and safety policy Employee assistance program Continuous improvement procedure	
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Purpose

This policy and procedure is designed to ensure that student complaints about the Sapphire Coast Anglican College (SCAC) (the College), its personnel, other persons, programs and services are managed through an effective and consistent process.

Scope

This is a College policy and applies to personnel in all services and programs.

According to the type of complaint it may be read in conjunction with *Reportable conduct policy* and/or *Mandatory reporting*. All complaints relating to child safety are to be dealt with using the procedures outlined in the *Child protection policy*. Complainants are not required to assess whether their concern meets the threshold of reportable conduct before making a complaint.

The policy and procedure does not extend to complaints which are whistleblowing disclosures. See - *Whistleblower policy*.

Any concern about a child's wellbeing may be reported under this policy.

Definitions

Discrimination is defined as treating one person or group less favourably than another or causing them disadvantage. Unlawful discrimination is discrimination which law has defined as unacceptable. There are a number of Federal and State laws which presently make discrimination unlawful on a variety of grounds (unlawful reasons) including:

- sex, marital or relationship status, pregnancy, breastfeeding or family responsibilities;
- sexuality or sexual preference;
- race, colour, descent, nationality, national origin, ethnicity or ethno-religious origin;
- religious belief or activity;
- political belief or activity;
- trade union activity;
- disability or impairment;
- transgender status or gender identity;
- age;
- responsibilities as a carer; or
- service in the voluntary defence forces.

Formal complaint means an issue which the complainant is seeking resolution

Informal complaint means the issue is reported but the complainant is seeking further action. The complainant concern is lodged but explicitly does not wish to initiate a formal complaint.

Harassment - Anti-discrimination law defines harassment as any form of behaviour that:

- you do not want
- offends, humiliates or intimidates you
- creates a hostile environment.

Personnel means all staff, volunteers and contractors

Policy

The School promotes fair, equitable and respectful behaviours. We aim to:

- create a school where all students are treated with dignity, courtesy and respect
- implement training and awareness raising strategies to ensure that our students know their rights and responsibilities
- provide an effective procedure for complaints based on the principles of natural justice

- treat all complaints in a sensitive, fair, timely and confidential manner
- eliminate victimisation or reprisals
- encourage the reporting of behaviour which breaches this policy
- promote appropriate standards of conduct at all times.

Students may lodge a complaint which may arise from issues such as:

- interpersonal relations
- harassment
- discrimination
- programming
- leadership
- resources
- services
- academic treatments

The College recognises that all students have the right to:

- be treated with respect and courtesy
- disagree with decisions
- lodge a complaint at any time
- have that complaint taken seriously, investigated and resolved fairly, in a reasonable amount of time.

The College will address all student complaints in a confidential manner. Only the people directly involved in making, investigating or resolving a complaint will have access to information about it.

Students have a responsibility to:

- treat everyone with respect and courtesy
- accept that disagreeing with a decision made within the school does not make the decision wrong
- raise complaints with supporting information at an early stage
- cooperate fully with the investigation in order to resolve the complaint promptly.

Responsibilities

All personnel are responsible for adhering to authorised policy documents and for identifying topics, gaps and areas where policy, procedure and instruction are needed.

Personnel at all levels are responsible for:

- monitoring students to ensure that acceptable standards of conduct are observed at all times and identify and manage any issues with appropriate support
- treating all complaints seriously and taking immediate action to investigate and resolve the matter.

All students are responsible for:

- their own health and safety commensurate with their ability
- complying with this policy
- maintaining confidentiality if they provide information during the investigation of a complaint.

Procedure

Dealing with a grievance

Students are strongly encouraged to maintain respectful and collaborative relationships and quickly address any misunderstanding with others should they arise. However, a student may feel aggrieved in the course of their studies and believe that the situation is serious enough to warrant external assistance to remedy the issue. The source of the grievance may be varied, ranging from conflict over academic issues to concern that a teacher exhibiting favoritism, through to serious discrimination or bullying.

A minor grievance may be remedied by the parties themselves but, if not dealt with, minor grievances and conflicts can escalate and become issues of a more serious nature. Therefore, if it cannot be remedied quickly, the student should raise issues of grievance and conflict as soon as possible.

A grievance may be initially communicated in a written letter, email, meeting or conversation. Issues should be raised in the first instance as follows:

- with a student's teacher or a teacher on duty, or if a grievance is with their teacher, the issue should be raised with the relevant Head of School

Complaints made without substantiation or accusations made without any basis will be viewed by the School as a very serious matter.

Personnel who are involved in a conflict of any kind may wish to refer to *Appendix 1 - Helpful Tips – Resolving Conflicts*. Students who are involved in a conflict of any kind may wish to refer to *Appendix 2 – Student Complaint Information*

Support

It is acknowledged that raising issues of conflict may be difficult for some students. Therefore, the option exists for a support person to be included in any meetings with the person investigating the grievance. The role of a support person is to provide support to the complainant, for example by discussing the issue with them or taking notes in the meeting. In this situation, a support person is not an advocate for the complainant and should not become actively involved in the discussions.

A support person could be a parent or guardian. It is advisable to give due consideration to the person's ability to support and provide wise counsel. To avoid escalating the issue a support person should not be an industrial advocate, lawyer, person from another school or professional working in the field of grievance resolution.

Confidentiality

The personnel dealing with the issue should approach all parties with fairness and equity. Similarly, the personnel should treat all information divulged by the student as confidential. The personnel should only disclose details, should it be necessary, with the permission of the student who raised the issue. An exception to the requirement for confidentiality will be made if there are legal obligations (such as duty or care or child protection) to report the information disclosed by the student.

Accusations of discrimination/harassment can harm the reputation of those involved and could lead to legal action for defamation. Matters of this kind must be dealt with confidentially on a need-to-know basis. The matter is not to be discussed generally with other students, personnel or members of the College community.

Process for complaint - receipt

On the initial receipt of a formal complaint (written or verbal), the person receiving the complaint will assess the nature of the complaint and either deal with the matter themselves or, if appropriate, pass the matter to a person who is suitably independent and competent to manage the matter.

In the case of informal complaints, the person receiving the complaint should regard the matter seriously and consider carefully and respectfully the most appropriate course of action, which may for

example be to log the concern for further monitoring, to deal with the issue through on-going management, or to escalate the matter to formal proceedings if serious enough, with due sensitivity to the wishes of the student.

Once the issue has been raised, the person receiving the complaint should act as promptly as is feasible. In normal circumstances, a resolution plan will be formulated within seven days (excluding term breaks and holidays).

Assessing a complaint

Personnel will generally assess the complaint and determine:

- whether the complaint is one to be addressed under this policy or the *Reportable conduct policy* or *Mandatory reporting*, and
- the priority of the complaint in accordance with the urgency and/or seriousness if the matter raised; and
- whether the school may be required to report the matter to the Office of the Children's Guardian, Police, Department of Communities and Justice or other relevant authorities should the complaint relate to possible unlawful conduct or other reportable matters.
- if appropriate, the person dealing with the grievance may elect to seek to resolve the issue informally by meeting with the parties singly and/or together, providing advice or strategies for action.
- if the matter is dealt with informally and resolved to the satisfaction of the complainant and the complaint was not trivial, then details of the issue and resolution should be noted in confidential School records. Where this informal process is not appropriate or does not lead to resolution, the formal complaint procedure will then apply.
- Appropriate disciplinary action will be taken against a person who is found to have breached School policies.

Formal complaints

The School regards complaints as serious matters that have the potential to affect the reputation and career of staff or the prospect of students continuing at the School. Therefore, complaints must be made in a formal manner according to the following guidelines:

- Formal complaints must be in writing, where age and ability appropriate by the student, signed by the complainant (unless the Head of junior/senior school) decides that this is not appropriate because of the nature of the complaint or to protect the complainant[student]);
- The written complaint should clearly outline the nature of the complaint and specify individuals involved. It should include all relevant supporting material available to them such as emails and notes of verbal communication including, where appropriate, the names of witnesses; and
- The formal written complaint should be directed to the Head of junior/senior school.
- All complaints will be treated seriously and generally in accordance with this statement.

The Head of junior/senior school will determine the most appropriate method of dealing with the grievance. The process for investigating a formal complaint is contained in the School's *Investigation policy*.

Appeals

The College does not offer unlimited opportunities for appeal if a complainant (student) is unhappy with the resolution of a complaint. Any appeal against the resolution of a complaint should be made in writing to the Principal. An appeal is only likely to be considered if there is evidence that there was a procedural problem with the investigation.

The Principal, at his/her discretion, will consider the application for an appeal and will either direct that the complaint be re-examined or direct that the matter be closed. If the matter involves the Principal the application for an appeal should be made to the Board Chairperson.

Follow up

It is important for the personnel managing the student complaint process to keep clear and detailed notes on all discussions held. Once the issue has been resolved, a covering statement should be written, and the documentation should be provided to the Head of junior/senior school for appropriate filing.

The following should be recorded:

- the person who made the report
- when the report was made
- to whom the report was made
- the details of the issue reported
- action taken to respond to the issue
- any further action required – what, when and by whom.
- Records should also be made of conversations, meetings and interviews detailing who was present and the agreed outcomes.

After addressing a specific issue, the College should examine the situation to identify and address any underlying factors that may increase the risk of recurrence.

Academic appeals

Complaints about academic assessment are, in the first instance, to be referred to the appropriate classroom teacher. Where this appears to be inappropriate or satisfactory resolution is not achieved, they are to be brought to the respective departmental Head and, if necessary, the Head of junior/senior school.

Compliance

Noncompliance with this procedure may result in disciplinary action up to and including dismissal.

Appendix 1

Helpful Tips – Resolving Conflicts

Conflict resolution expert, Alan Tidwell, suggests there are three necessary elements that must be in place for effective conflict resolution to occur. These are:

1. Opportunity – this involves creating a ‘space’ where effective and productive discussion can occur. Creating such a space is the responsibility of the supervisor.
2. Capacity – this refers to the capacity the parties have to reach resolution. Having a limited grasp of English, being in a psychological state which inhibits rational thought, and allowing emotions to overcome a discussion are all ways in which capacity to resolve a situation may be diminished.
3. Volition (will) - the parties must want to resolve the problem and be willing to do so through the mechanisms established. Without volition the possibility of resolution is greatly reduced.

Other points, which may assist, include:

- Stepping away from the situation – in the heat of the moment it is often easy to let emotions drive a discussion. If you encounter a genuine issue of conflict, it may be helpful to remove yourself from the situation, attempt to calm down and then focus on the source of the problem.
- Try not to globalise the problem – in difficult situations it is often easy to include past experiences or actions, which are not directly related to the current situation. The problem with ‘globalising’ is that the primary source of the problem becomes lost amongst broader issues.
- Make notes – even if you decide not to address the problem in writing, it is still helpful to write some notes before you enter a meeting. Writing notes will give you some time to think about the primary problem you are dealing with and in turn communicate this effectively to a supervisor.

Personnel are encouraged to keep these factors in mind when approaching any issue of conflict.

Appendix 2

Student Complaint Information

Sometimes students need support in resolving issues at School - the staff are here to help

Who

Choose a staff member you trust and ask to talk to them – you can even bring a support person

When

The sooner you lodge your issue the quicker it can be considered and hopefully resolved

Provide evidence

To better support you, provide as much evidence as possible

How

You can talk to a staff member or email your concerns

What will happen?

The staff member will let you know – there are so many options

Who will know?

Your concern will be kept in confidence but if someone is unsafe others need to know

Academic appeals

Talk to your classroom teacher first and ask questions about the task. If this doesn't work, talk to the correct Faculty Coordinator and, if necessary, the Head of Junior/Senior school.