



NEWCASTLE
GRAMMAR
SCHOOL

Complaints and Grievance Resolution Policy and Procedures – School Community

Policy Number (PN): 3.6.2.4

Last Revised: August 2024



Current NGS Policies & Procedures

3.6.2.4 Complaints and Grievance Resolution Policy and Procedures - School Community

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Policy Revised:

November 2021 – formatting and updates to reflect AISNSW advice regarding NESA registration requirements;

August 2023 – formatting and updates to reflect AISNSW advice regarding NESA registration requirements;

August 2024 – formatting and updates to reflect AISNSW advice regarding NESA registration requirements. Revised flowchart.

Review: August 2025

1. Purpose and Scope

1.1 Introduction

The purpose of this policy and procedures is to facilitate the resolution of a dispute or complaint made by a stakeholder and to outline the principles applied to the handling and resolving of all disputes and complaints made to the School involving staff, students and parents. The staff members of the School include employees, contractors and volunteers.

This policy and procedures does not extend to *personal* grievances between parents, guardians or other members of the School Community.

1.2 Whistleblowing

This procedure does not extend to complaints which are whistleblowing disclosures. The procedures for processing whistleblowing complaints are outlined in the school's *Whistleblower Policy*.

In summary a whistleblowing disclosure is a disclosure which:

- is made by a Board member, staff member, a person who supplies goods or services to the school, including a volunteer, an employer of a supplier or a relative of any of these people;
- involves alleged misconduct, an improper state of affairs or circumstances, or illegal activity, and
- is made to a senior staff member, or officer of the school, the school's auditor or a person who the school has authorised to collect such disclosures.

1.3 Confidentiality

All parties involved in complaints handling are required to maintain appropriate confidentiality, including in relation to handling and storing records.

2. Key Legislation

Children and Young Persons (Care and Protection) Act 1998;

Child Protection (Working with Children) Act 2012;

Children's Guardian Act 2019;

Crimes Act 1900;

Australian Human Rights Commission Act 1986;

Anti-Discrimination Act 1977.

3. Related Policies

- Allegations of reportable conduct will be addressed in accordance with the school's *Child Protection and Child Protection Reportable Conduct Policy*,
- Complaints regarding a grievance between students will be addressed in accordance with the school's *Behaviour Management Policy*,
- Complaints regarding a grievance between staff members about work matters, including work relationships and decision made by other staff members which impact on their work, will be

addressed in accordance with the school's *Grievance Procedure Resolution Policy - Staff*;

- Complaints regarding unlawful discrimination, harassment or bullying between staff are generally addressed in accordance with the school's *Discrimination, Harassment and Bullying Policy – Staff*;
- *Note Taking and Record Creation Policy and Procedures for Staff*;
- *Communications Policy and Procedures for Staff*;
- *Whistleblower Policy* (see Section 1.2); and
- Overseas students enrolled at the School on a study visa should also refer to the *Overseas Students Policy*.

4. Definitions

- Support person – a friend/teacher/relative not involved in the grievance. It should be noted that the student's lawyer and/or education agents are not regarded as acceptable support persons at internal stages of the complaints handling process.
- Parents also means guardians, carers or persons legally responsible for a child or children.

5. Complaints

A complaint or grievance is an expression of dissatisfaction made to the School about an educational and/or operational matter relating to services provided by the School or the behaviour or decisions of a staff member, contractor or volunteer, including misconduct.

Complaints may be made by a student or parent/carer or other stakeholders (members of the School community). The *Internal Complaints and Appeals processes* are *conciliatory and non-legal*. The School will seek to resolve complaints informally where possible but acknowledges that in some cases a person may wish to make a formal complaint.

If a parent/carer, student or stakeholder has a concern about the conduct of a staff member, they should raise their concern with the School in accordance with section 6.

If a complaint that concerns the behaviour of a staff member may constitute reportable conduct, the matter will be addressed by the school's *Child Protection Policy* in accordance with section 3. A complaint about a reportable conduct matter may be current or historical. Timeframes for investigation of complaints relating to reportable conduct are dependent on the individual matter and may be over an extended period of time, particularly in the case of a historical allegation. The School is bound by privacy or other confidentiality requirements when conducting investigations of reportable conduct allegations, which may limit the information that can be shared with the

complainant regarding the outcome of an investigation. Please refer to the school's *Child Protection Policy* for information about reportable conduct.

Complainants are not required to assess whether their concern meets the threshold of reportable conduct before making a complaint. Any concern about a child's wellbeing or the conduct of an employee, volunteer, contractor or member of the School community may be reported under this policy.

Employees of Newcastle Grammar School are responsible for managing the resolution of enquiries, concerns, complaints and disputes lodged by students, parents and members of the community. Staff will make every effort to resolve all enquiries, concerns, complaints, and disputes promptly and in accordance with procedural fairness/natural justice. These *Internal Complaints and Appeals processes* are *conciliatory and non-legal*.

The Head of School or delegate (i.e. Deputy Head of School, Head of Primary, Head of People & Culture etc.) is responsible for establishing and maintaining processes for the management and review of enquiries, concerns, complaints and disputes.

A Complaints Register is kept by the PA to the Head of School. Complaints are reviewed regularly by the School's Executive staff.

The following principles apply:

- As a Child Safe Organisation, the Safety and Wellbeing of a student or group of students is a priority.
- The process is accessible to all parties, including students currently enrolled with special needs, and including gifted and talented students; and there is a commitment to cooperation by School staff.
- Procedural fairness is offered to all parties.
- The subject of the complaint is informed of its substance.
- Confidentiality is always maintained as appropriate. The process of this grievance procedure is confidential and any complaints or appeals are a matter between the parties concerned and those persons directly involved in the complaints handling process.
- Complaints are monitored and their management evaluated to preempt systemic/recurring issues.
- All persons in the School community are entitled to respect and courtesy.
- Complainants are entitled to be dealt with fairly and promptly.
- Procedures for lodging a complaint are communicated to the School community.

- The Head of School will appoint an investigator independent to the School as required when dealing with a complaint.

6. Raising a complaint

6.1 The complainant

Complaints may be raised by a complainant directly with the person involved. However, if the complainant does not feel comfortable doing so or the matter is one where it may not be appropriate to do so, a complaint can be made to the School and this will be managed by the Head of School or delegate (i.e. Head of People & Culture). Any complaint about the conduct of a staff member should be raised directly with the Head of School in the first instance.

Should a matter not be resolved between the parties directly in the first instance, the complainant may raise the matter with the School.

A complaint can be made in writing to the Head of School, via PA to the Head of School:

Email Kate Grogan – kate.grogan@ngs.nsw.edu.au

Where a person wishes to make a complaint concerning the Head of School, the complaint should be made in writing to the Chair of the Board, via:

Email – chairperson@ngs.nsw.edu.au

In this situation, the references in this policy relating to the role of the Head of School should be read as references to the Chair of Board.

6.2 The school

The Head of School or delegate will generally acknowledge receipt of a complaint raised with the school in writing as soon as practicable.

6.3 Informal Complaints Resolution

Newcastle Grammar School requires that there is a prior attempt to informally resolve the issue through mediation or informal resolution of the complaint.

To attempt mediation/informal resolution of the complaint, the student (or parent on behalf of the student) should contact the Head of House (7-12), Head of Student Wellbeing K-6 or the K-6

classroom teacher for complaints about student welfare, and the classroom teacher for complaints about the quality of teaching or other academic matters.

If the matter cannot be resolved through mediation/informal resolution, it will then be referred to the Deputy Head of School, Director of Learning and Teaching, Director of Studies, Head of Primary or Deputy Head of Primary and the school's *Internal Formal Complaints and Appeals handling procedure* will be followed.

If resolved informally, the staff member receiving the complaint will provide information about the complaint and its resolution to the Head of School for inclusion on the Complaints Register and for record keeping purposes.

If the complaint is not, or cannot be resolved informally, follow *Raising a Formal Complaint* procedure (below).

6.4 Raising a Formal Complaint

After following the *Informal Complaints Resolution process*, if a successful outcome is not achieved, students, parents or members of the community may lodge a formal complaint with the Head of School. This may be about the provision of education; conduct of a School employee; or a member of the School community. (Please see point 5. above and follow the *Child Protection Policy* if the concern relates to child protection or the safety or welfare of children).

Complaints will be handled promptly, confidentially and according to procedural fairness. Appropriate confidentiality will be maintained between parties involved including support persons (Unions, Professional Associations or School employees who may act as support persons for colleagues).

The *Formal Grievance process* will commence within five (5) business days of the lodgement of the complaint or appeal to the Head of School.

Once the Head of School has made a decision regarding the complaint or appeal, the person involved will be informed in writing of the outcome and the reason(s) for the outcome.

If the grievance procedure finds in favour of the person involved, Newcastle Grammar School will immediately implement the decision and any corrective and preventative action required.

Newcastle Grammar School undertakes to finalise all formal grievance and appeal procedures within ten (10) to fifteen (15) business days. In the case of a formal grievance that relates to an overseas

student who is attending NGS on a Subclass 500 Student Visa, these must be finalised within 10 business days as per the CRICOS requirements.

On receipt of a formal complaint, the Head of School or delegate will:

- Acknowledge receipt of a formal complaint in writing as soon as practicable.
- Assess whether the complaint is one to be addressed under this policy or is a staff grievance or Reportable Conduct matter which are addressed by the relevant policies.
- Assess the priority of the complaint in accordance with the urgency and/or seriousness of the matter raised.
- Assess 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.
- Advise the complainant of the likely steps that will be undertaken by the School in relation to the complaint.
- If appropriate, advise the relevant parties of the complaint at the relevant time and provide them with an opportunity to respond.
- Collect any additional information the School considers necessary to assess the complaint.
- Make a decision about how the complaint will be resolved ("resolution decision").
- Advise the complainant in writing, and any other relevant parties as appropriate, of the resolution decision of the Head of School and if appropriate, any proposed action to be taken.

There may be circumstances where some of the steps outlined above are not appropriate and the School will determine, on a case-by-case basis the most appropriate method of handling the complaint.

A complainant and the relevant parties that the complaint is about may choose to have an appropriate support person present at any meeting with representatives of the School about the complaint. However, the School maintains the right to determine whether the person's preferred support person is appropriate and may not approve the attendance of a support person where they are determined by the School to be inappropriate.

In the case of International Students a suitable interpreter will be provided for the duration of the procedures (if required).

6.5 Internal Complaints and Appeals

Where the *Internal Complaints and Appeals process* is being accessed because the student has received notice from the School that the School intends to report the student for unsatisfactory course attendance, unsatisfactory course progress or suspension or cancellation of enrolment, the student has 20 days from the date of notification in which to lodge a written appeal.

Internal Complaints and Appeals processes are usually available to students/parents at no cost. Should a cost be incurred then the student will be advised of the minimal amount involved. Each complainant has the opportunity present his/her case to the Head of School.

Students or parents may be accompanied and assisted by a support person at all relevant meetings. The student is required to maintain normal enrolment and attendance at all classes during the appeals process unless the School determines otherwise.

6.6 External Complaints and Appeals

If the complaints procedure does not find in favour of the student or the student is dissatisfied with the result of the complaints procedure, the student will be informed of the External Complaints and Appeals process available at minimal or no cost. The external body used for Newcastle Grammar School's *External Complaints and Appeals process* is the Association of Independent Schools NSW (AISNSW).

International Students may also contact the Commonwealth Ombudsman for Overseas Students. More information is available at:

<https://www.ombudsman.gov.au/complaints/international-student-complaints>

7. Implementation

This policy is available publicly on our school's website.

It is provided to new Staff, and to Volunteers and Contractors on commencement of their work at the School.

If you have any queries about this policy, you should contact the Head of School for advice.

APPENDIX



Complaints and Grievance Resolution – School Community Flowchart

