

COMPLAINTS HANDLING POLICY AND PROCEDURE

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1. DOCUMENT MANAGEMENT

1.1 Version History

Responsibility of author to track and maintain

Version	Date	Author	Section #	Amendment (What Changed?)
1.1	14/05/2019	Principal	All	Initial draft
1.2	26/02/2020	Principal	All	Final
01.01.00	08/04/2021	Shea Hafey	All	As part of overall update of College policies to reformat and restructure.
01.01.01	28/10/2022	Shea Hafey	All	Section 6, 8.2 & all sections as part of the re branding

1.2 Related Documents

1.2.1 Legislation

- Children and Young Persons (Care and Protection) Act 1998
- The Ombudsman Act 1974
- The Privacy Act 1988

1.2.2 Policies

- Privacy Policy
- Integrity Assurance (Whistleblower) Policy (NASC Policy)
- Child Protection Policy
- Staff Grievance Policy
- Discrimination Policy
- Harassment Policy

1.2.3 Procedures

- As outlined within this Policy

1.2.4 Other

- Child Protection Handbook

2. STUDENT PROTECTION

Bishop Tyrrell Anglican College supports the rights of children and young people and is committed to ensuring the safety, welfare and wellbeing of students. The College is therefore committed to responding to allegations of student harm resulting from the conduct or actions of any person including that of employees. This commitment includes the provision of a safe and supportive learning environment for all students and requires all employees, volunteers and visitors to model and encourage behaviour that upholds the dignity and protection of students from harm.

3. DEFINITIONS

For the purpose of this Policy and Procedure, the following definitions apply:

The College refers to Bishop Tyrrell Anglican College.

A **Complainant** is any person who has a concern or grievance.

CALEB means **C**ollaboration and **L**earning **E**nvironment at **B**ishop Tyrrell Anglican College. CALEB is a College community portal for information.

4. INTRODUCTION

4.1 Purpose and Scope

Bishop Tyrrell Anglican College is committed to ensuring for staff, students and parents, a safe, orderly, healthy and supportive environment in which to learn, work and contribute to the school. In such an environment staff, students and parents should be mutually supportive and avoid conduct that may undermine mutual trust and support and should also respect the Christian philosophy and values of the School. It is in the interests of all those involved in the community of the school that staff, parents and students be content and secure, be justly treated within the school, and be free to function effectively within the overall framework and policies of the school community.

However, from time to time, circumstances may arise whereby a parent or a student may find it difficult to function in the school for any one of many reasons. Where a person has a complaint or grievance pertaining to the school, its staff, its policies or procedures, or its physical facilities, that makes it difficult for that person to function effectively within the school community, it is very important that the matter be settled at the earliest possible time. With this in mind, Bishop Tyrrell has a set of procedures to hear and work towards the settlement of grievances. These procedures should be used without prejudice to any party.

The procedures should remain confidential between the parties involved and any action(s) arising from the procedures should, if at all possible, be the subject of an agreement between the parties involved.

The procedures outlined in this policy and procedures document shall not apply in any instances where the *Children and Young Persons (Care and Protection) Act 1998* (NSW), the *Ombudsman Act 1974* (NSW) or other relevant Acts or Regulations dictate different protocols. Nevertheless, in all instances the principles of procedural fairness shall apply.

This policy applies to Bishop Tyrrell Anglican College in handling complaints made in respect of services provided by the College or against staff members, which includes employees, contractors and volunteers.

This policy does not extend to personal grievances between parents, guardians or other members of the College community.

4.2 Whistleblowing Complaints

This policy does not extend to complaints which are whistleblowing disclosures. The policy for processing whistleblowing complaints will be dealt with in the *Integrity Assurance (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 College, 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 College, the College's auditor or a person who the College has authorised to collect such disclosures.

4.3 Related Policies

Complaints about reportable conduct will be addressed in accordance with the College *Child Protection 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, are addressed in accordance with the College *Staff Grievance Policy*.

Complaints regarding unlawful discrimination, harassment or bullying between staff are generally addressed in accordance with the College *Discrimination, Harassment and Bullying Policies*.

5. COMPLAINTS

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

If a parent/carer or student has a concern about the conduct of a staff member, they should raise their concern with the College in accordance with Section 6 of this policy. If a complaint that concerns the behaviour of a staff member may constitute reportable conduct, the matter will be addressed in accordance with the College's *Child Protection Policy* (Section 11 – Reportable Conduct). Please refer to the College'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 may be reported under this policy.

Complaints may be made by a student or parent/carer.

The College will seek to resolve complaints informally where possible but acknowledges that in some cases a person may wish to make a formal complaint.

5.1 The difference between a Concern and a Complaint

A **concern** may be defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

A **complaint** is defined as an expression of dissatisfaction made to the College, related to its services or the complaints-handling process itself, where a response or resolution is explicitly or implicitly expected.

6. RAISING A COMPLAINT

6.1 The Complainant

Informal 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 Deputy Principal or Principal. Any complaint about the conduct of a staff member should be raised directly with the Principal in the first instance.

Should the matter not be resolved through informal processes, the complainant may raise the matter formally with the College. A formal complaint can be made in writing to the Principal, via email principal@btac.nsw.edu.au.

Where a person wishes to make a formal grievance concerning the Principal the grievance should be made in writing to the College via email to grievance@btac.nsw.edu.au. In this situation, the references in this policy relating to the role of the Principal or Principal's Delegate should be read as references to the Executive Director Education & Child Development.

6.1.1 Anonymous Complaints

Anonymous complainants will be encouraged to identify themselves as anonymity may severely limit the ability of the College to follow up on their concern or complaint. Anonymous complainants will

be reminded of confidentiality, as applied to the complaint management process, to encourage them to reveal their own and/or the subject's identity.

A complainant's wishes to remain anonymous will be respected, however an assurance of absolute confidentiality cannot be given. Further investigation of anonymous complaints may not be possible however if sufficient details are revealed a further investigation may be warranted, in particular if the complaint raises student safety or duty of care concerns. In such circumstances, it may not be possible to provide information back to the complainant if they have not provided name and contact details.

6.2 The College

The Principal or Principal's Delegate will generally acknowledge receipt of a formal complaint in writing as soon as practicable.

7. HANDLING COMPLAINTS

7.1 Assessing a Complaint

The Principal or Principal's Delegate generally will assess the complaint and determine:

- whether the complaint is one to be addressed under this policy or is a staff grievance or reportable conduct matter which are dealt with under the relevant policies
- the priority of the complaint in accordance with the urgency and/or seriousness of the matter raised; and
- whether the College may be required to report the matter to the Ombudsman, Police, Family and Community Services or other relevant authorities should the complaint relate to possible unlawful conduct or other reportable matters.

7.2 Managing a Formal Complaint

The Principal or Principal's Delegate generally will manage a formal complaint by:

- a) advising the complainant of the likely steps that will be undertaken by the College in relation to the complaint
- b) if appropriate, advising the relevant parties of the complaint at the relevant time and providing them with an opportunity to respond
- c) collecting any additional information the College considers necessary to assess the complaint
- d) making a decision about how the complaint will be resolved ("resolution decision"); and
- e) advising the complainant in writing, and any other relevant parties as appropriate, of the resolution decision of the Principal or Principal's Delegate 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 College 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 College about the complaint. However, the College 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 College to be inappropriate.

7.3 Procedural Fairness

The principles of procedural fairness will be followed in all aspects of complaint handling. Procedural fairness includes:

- giving the complainant the opportunity to put forward their case
- offering reasonable assistance to the complainant to enable the complaint to be made and to be aware of the complaint handling procedures
- informing the respondent of the substance of the complaint and providing an opportunity to respond
- providing the respondent with information about the complaint investigation process including outcomes
- handling the complaint process confidentially
- determining complaints as expeditiously as possible and advising all parties of the outcome of the investigation;
- assessing the facts and circumstances of the situation objectively and determining the complaint fairly and equitably;
- providing the complainant with details of the determination and reasons for the decision; and
- informing both parties of any avenue for review.

7.4 Confidentiality

Confidentiality will be respected at all times within the constraints of the need to fully investigate the complaint.

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

7.5 Victimisation

Victimisation means subjecting a person to some detriment, for example, ostracising an employee or excluding them from an opportunity or activity.

Bishop Tyrrell Anglican College Community members must not victimise a person because they have made, or propose to make, a complaint or because they have provided information in relation to a complaint.

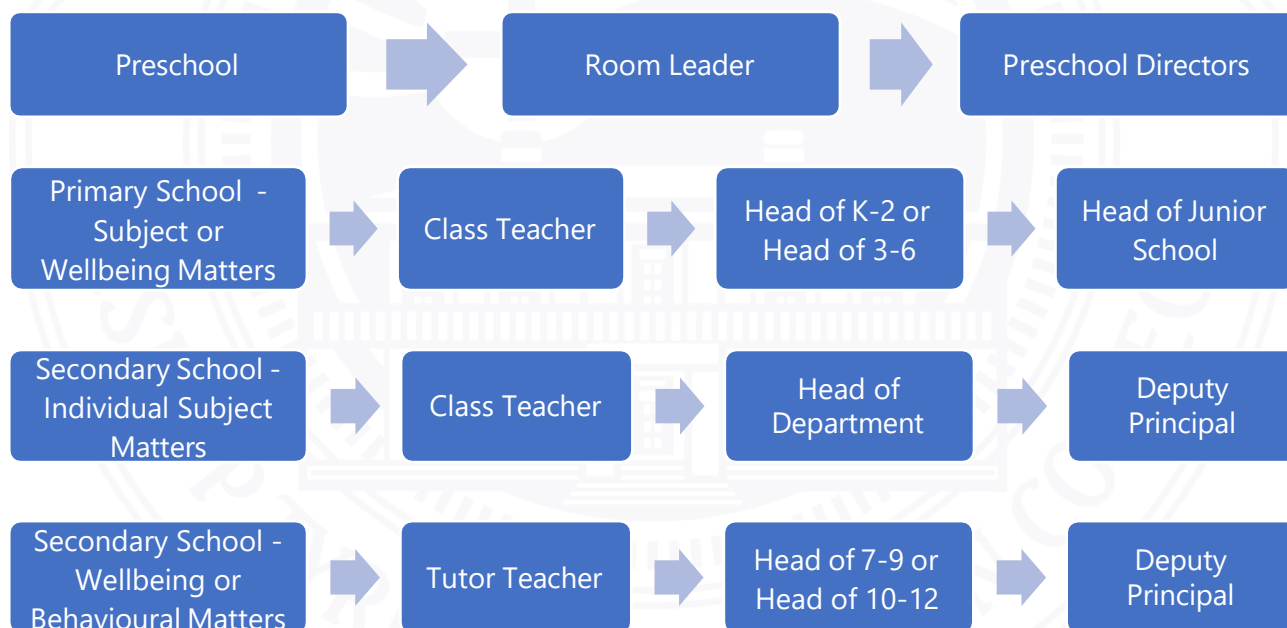
If you feel that you are being victimised you should raise the issue as soon as possible with either the Deputy Principal or College Principal.

8. COMPLAINTS RESOLUTION PROCEDURES

8.1 General Questions, Concerns or Complaints

General hierarchy of contact for most issues

The following guide for parents and carers indicates the best manner in which to direct specific issues related to the welfare of Students:



While it may seem quicker to go to the higher authority in a sequence, it is usually more appropriate to start with the person who knows the student or the details of the incident best. Only if the matter cannot be resolved at the initial level should it progress through the hierarchy of responses.

8.2 Resolving Problems

Bishop Tyrrell is a community that consists of students, staff, parents/caregivers and College Council. A community is based on relationships. In order for our College community to function well and with a united purpose it is vital that relationships between individuals are healthy. Mutual trust between parents, staff and students is central to this. The section above outlines the structure of responsibilities within the staff of the College so that you may know who to contact in certain circumstances.

The following section outlines several steps that are designed to protect the health of the relationships between members of the College community while attempting to resolve problems or concerns. They are based on Christian principles.

Step 1: Talk with the person with whom you have a problem

In the first instance, any problems or concerns should be addressed informally between the two parties involved. The aim is to find out if the problem you see is a real concern or just a problem of communication. So, a parent should discuss any concerns or complaints they may have directly with the relevant staff member in private. If this does not resolve the problem, the matter may be taken to the next stage.

Step 2: If you cannot resolve the problem, involve another person.

In this step, you would take the matter to the staff member's immediate supervisor. It is best to do this initially in a meeting with the supervisor and following the meeting we ask you to put your complaint in writing and forward it to the supervisor. In our College's structure, for a teacher, this would be the Head of K-2 or 3-6 in the Primary College and the relevant Head of Department in the Secondary College. If this does not resolve the problem in the Primary College, it should then be referred to the Head of Junior School and then the Deputy Principal for Secondary.

If all these steps fail to resolve the matter please contact the Principal. The Principal will consider the matter and determine how the complaint will be handled, which may include an investigation. When a complaint is investigated principles of natural justice will be followed. Those involved will be able to state their cases and expect the Principal to consider the evidence impartially. The Principal may seek the advice of others and will make a determination for resolution of the matter. This will then be communicated in writing to the person who raised the complaint.

If a parent has a complaint or grievance against the Principal which personal discussion has not resolved, or if the parent does not wish to discuss the issue personally with the Principal, the parent may direct the concern to the Newcastle Anglican - Executive Director Education & Child Development in writing to complaints@btac.nsw.edu.au. All complaints will be investigated, and a response will be provided.

Decisions by College staff are made in good faith after considering the needs of all members of the College community, particularly of the student body, and this sometimes means that an individual's needs or wishes might not be met in the manner they would hope. We ask that if, after the above steps have been taken, parents consider that the matter has not been resolved to their satisfaction, that you accept the situation as it is, in good faith that the decision has been made after taking into account all relevant factors.

8.3 Maintain confidentiality about any matters discussed

In order to preserve the dignity of all involved please keep confidential any problems discussed. Gossip or rumours will only harm relationships and ultimately the school. If you have complaints please use the channels described above. It will only harm our school if you discuss them with people who are outside the school community and it may damage individuals' reputations if you discuss such matters with others within the school community.

9. ALLEGATIONS OF MISCONDUCT OR REPORTABLE CONDUCT

9.1 Allegations of misconduct by a staff member

Allegations of misconduct by a staff member need to be handled in a different way from less serious issues. Misconduct includes such behaviour as a teacher using offensive or insulting language or crossing professional boundaries. If a parent or carer believes that a staff member has engaged in misconduct, or even if the parent is just not sure, they should speak with the Head of Junior School or for Secondary, the Deputy Principal in the first instance. The allegation must then be put in writing. The relevant Head of School will inform the Principal who will determine if an investigation will be conducted and by whom. Any investigation will follow the principles of procedural fairness. The Principal will then determine the action that will be taken and the parent or carer will be informed in writing either by the Principal or the relevant Head of School.

9.2 Allegations of reportable conduct against a Staff Member

Reportable conduct is defined as:

- a) any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material);
- b) any assault, ill-treatment or neglect of a child
- c) any behaviour that causes psychological harm to a child whether or not, in any case, with the consent of the child

Reportable conduct does not extend to:

- a) conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards; or
- b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; or
- c) conduct of a class or kind exempted from being reportable conduct by the Ombudsman under section 25CA.

More detail about what constitutes reportable conduct may be found in the College's [Child Protection Handbook](#), available in Parent Lounge on CALEB which is accessed through the College website.

If a student, parent or carer believes that a staff member has engaged in reportable conduct they should report it to the Principal and put the allegation in writing. It would be preferable and fairer for all concerned that you not discuss the alleged behaviour with anyone else. The College's [Child Protection Handbook](#) outlines the procedure that the Principal must follow when an allegation of reportable conduct is made against a staff member. An investigation of this nature may be undertaken by an external investigator and may take considerably more time than an investigation into a more general complaint. The student, parent or carer will be kept informed of the progress of the investigation. At the conclusion of the investigation the Principal will communicate the outcome to the complainant in writing. However, there may be limitations under the *Ombudsman's Act* and privacy legislation regarding disclosure of information about an investigation and the outcome of an investigation.

9.3 Home-School Communication

Our Parent Handbook, available in our parent portal, Parent Lounge, lists the names and roles of staff holding positions of special responsibility and administrative roles.

10. CONTACT

If you have any queries about this procedures contained within this policy, you should contact the Corporate Services Manager for advice.

11. PRIVACY

Personal information may be collected, stored and released and is done so in accordance with the *Privacy Act 1988*. For further information, please refer to the College's [Privacy Policy](#).

12. POLICY MANAGEMENT

12.1 Responsibilities

In accordance with responsibility for the College compliance, the Principal also retains responsibility for this policy and all delegated authorities within.

All employees are responsible for the welfare of students and their colleagues. All employees should be familiar with this policy and ensure adherence is maintained at all times. This responsibility cannot be delegated.

12.2 Policy Adherence

Adherence to this policy is a mandatory requirement of all College employees. Breaches of the policy will be subject to formal investigation and may lead to disciplinary action.

12.3 Review

This policy will be reviewed annually, or when legislative or governing body changes may warrant a review. The Principal reserves the right to make changes as and when required. The Principal or the Principal's delegate is responsible for reviewing or making approved modifications to the policy and distribution of the policy.