



Complaints Resolution Policy and Procedure

1. Purpose

This policy sets out the principles and responsibilities of managing complaints relating to Shearwater, the Mullumbimby Steiner School. To uphold the core values of openness and accountability and to meet obligations under the School Constitution and relevant legislation, all complaints made by or against any employee, student, Board member, or member of the community must be properly and effectively dealt with.

The complaint may arise from a policy or a decision, act or omission by an employee, student, Board member, or member of the community which is considered by the person making the complaint (the complainant) to be wrong, mistaken, unjust or discriminatory. Grievances are considered to be complaints.

2. Scope

'School Management' refers to the Head of School, Business Manager, HR Manager, Early Childhood Coordinator, Primary School Coordinator, Secondary School Coordinator, and any other management position appointed by the Head of School.

This policy applies to all employees, students, parents, visitors, contractors, volunteers, stakeholders and members of the general community. Where appropriate, complaints will be regarded as opportunities to improve quality, safety and compliance.

This policy does not limit the right of a complainant to seek other forms of assistance to resolve the complaint. However all parties are encouraged to participate in good faith in Shearwater's Complaint Resolution process in an attempt to resolve the complaint.

The requirements of this policy and procedure might not apply where there are other specific policies or procedures in place for dealing with a particular matter – e.g. misconduct, Child Protection, disciplinary processes or performance management. The School's internal processes may be suspended pending the outcome of the other process.

A complaint made against the Head of School will be referred to the Chairperson of the Board for resolution.

3. Principles Governing Resolution of Complaints

- All internal and external complaints must be dealt with fairly, expeditiously, confidentially, adopting the principles of natural justice and procedural fairness.
- A complaint should be raised as early as possible following the incident giving rise to the complaint. Complaints should be dealt with expeditiously to ensure early resolution of the issue and minimal disruption to the School.

- Individuals involved in a complaint are required to treat the matter with absolute confidentiality. Any breaches of confidentiality, careless or otherwise, on the part of an employee of the School may be considered as misconduct or serious misconduct and may be subject to further action by School Management.
- Any party in a complaint may seek assistance from, or be accompanied by a support person of their choice, excluding a person who is currently a practising solicitor or barrister. A support person should only act as a witness to proceedings and cannot actively advocate for, or represent, the party he or she is supporting.
- Whenever possible, the wishes of the complainant in relation to the resolution of a complaint will be taken into account. However, this may not be possible in some circumstances, for example, where the complaint is of such a serious nature that formal action is required beyond the wishes of the complainant. For example, a complaint may involve allegedly unlawful behaviour and the School duty of care may be compromised if no action is taken.
- Shearwater, the Mullumbimby Steiner School will endeavour to protect any person raising a complaint from any victimisation or repercussions for reporting issues in good faith.
- Complainants should not instigate complaints that are frivolous, vexatious or malicious. A staff member who makes a false and/or frivolous allegation may be subject to disciplinary processes and the matter may be dealt with as misconduct or serious misconduct.
- Parties to the complaints resolution process, including those engaged to manage a complaint, must declare if a conflict of interest exists. Any participant in the complaints resolution process who perceives a possible conflict of interest should discuss the matter with the HR Manager who, in conjunction with the Head of School will determine what action is appropriate. If a conflict of interest relates to the HR Manager, the matter must be referred to the Head of School. If the matter relates to the Head of School, then the matter must be referred to the Board.
- Complaints should not be made in response to management instituting performance management or disciplinary processes as part of management's duty to manage. Such responses may be subject to disciplinary processes, and the matter may be dealt with as misconduct or serious misconduct.

4. Shearwater, the Mullumbimby Steiner School Complaint Resolution Procedure

Shearwater encourages all employees, students, parents and/or members of the community to endeavour to resolve issues directly and informally through a process of discussion and conciliation where possible. This may involve seeking advice from the School HR Manager.

4.1. Informal Resolution Procedure

The informal procedure emphasises resolution without the formality of documenting the complaint or disciplining the alleged offender. The informal procedure is appropriate where the complaint is of a less serious nature. Informal ways of resolving complaints include the following actions:

- Initiate a discussion with the person against whom you have a complaint and attempt to resolve the matter amicably; and/or
- speak to a member of School Management for confidential support and advice; and/or
- together with a member of School Management, raise the complaint with the person against whom you have complaint; and /or
- request a member of School Management raise the issue generically with the person against whom you have a complaint, without revealing your details to protect your preferred anonymity; and/or
- you and the person against whom you have a complaint agree to participate in a mediation, counselling or conciliation meeting.

4.2. Formal Resolution Procedure

The formal resolution procedure is followed when the complaint is considered serious and may require disciplinary action being taken against the alleged offender. For the purposes of the formal resolution procedure, the person against whom a complaint is made is called 'the Respondent'. The formal resolution process requires a complaint to be put in writing, investigated, and substantiated. The School will provide assistance to complete complaint forms where required.

To ensure the application of principles of natural justice and procedural fairness, formal complaints cannot be made anonymously. Any concerns of repercussions or victimisation for making a formal complaint will be immediately responded to by the HR Manager in conjunction with the Head of School to ensure that both the complainant and respondent are afforded procedural fairness in the management of a complaint.

The formal resolution procedure may also be appropriate where:

- informal attempts at resolution have failed;
- a person has made a complaint of discrimination, harassment or bullying and has been subsequently victimised;
- the complaint is against a more senior person. The formal procedure may help to ensure that the person making the complaint is not victimised or disadvantaged.

In terms of the formal resolution procedure, a complainant is required to submit the complaint in writing for investigation and resolution as soon as possible after the action or event occurred. The complainant must complete the **Formal Complaint Form** and submit this form to the HR Manager or, where the respondent is the HR Manager, the form must be submitted to the Head of School.

The written complaint should include:

- a brief description of the circumstances of the complaint, including details of the alleged action/incidents, and date/s of the occurrence;
- names and titles (as applicable) of any witnesses to the alleged action/s or incident/s;
- a summary of documentary material to be attached (if applicable); and
- The proposed solution, remedies or outcome sought.

Depending on the nature and severity of the allegations in the complaint, the HR Manager in conjunction with the Head of School will determine whether the complaint is *prima facie* genuine and whether it should be dealt with in accordance with this Policy or some other Shearwater procedure or policy. The HR Manager in conjunction with the Head of School has the discretion to decide whether the complaint will be investigated by:

- a member of School Management;
- a Board member;
- a review committee specifically appointed by the Board to investigate the complaint; or
- an external investigator.

All complaints will be treated quickly, seriously and sympathetically. They will be investigated thoroughly, impartially and handled confidentially.

Where complaints have been substantiated, appropriate disciplinary action may apply.

5. Record Keeping

Appropriate file or diary notes of informal complaints may be kept by School Management.

Records of formal complaints, including all investigation reports will be maintained by School Management and recorded in the School Complaints Register by the HR Manager.

6. Feedback

Shearwater, the Mullumbimby Steiner School recognises the important role of feedback to promote a healthy, safe and productive environment. Feedback is encouraged about the quality of teaching, the refusal of a service or support, policies and procedures and the School environment. Negative reports or feedback should be referred to the HR Manager, who will respond to the feedback by providing clarification or more information, or assisting them with making an informal or formal complaint.

7. Review

The Complaints Resolution Policy and Procedure will be regularly reviewed and evaluated as a part of the School's commitment to an ongoing continuous improvement process.

8. Advice or Assistance

Any queries relating to this Policy are to be directed to the HR Manager.

9. Supporting Documentation

Formal Complaint Form

Complaints Register

Associated Policies

- Work Health & Safety Policy
- Discrimination, Harassment and Bullying Policy
- School Code of Conduct

Related Legislation

- Work Health and Safety Act 2011
- Anti-Discrimination Act 1977
- Freedom of Information Act 1989
- Fair Work Act 2009
- Fair Work Amendment Act 2013
- Independent Schools NSW (Support and Operational Staff) Multi-Enterprise Agreement 2015-2017
- Independent Schools NSW (Teachers) Multi-Enterprise Agreement 2015-2017
- National Employment Standards