



Complaints Resolution Policy

1 PREFACE

Shearwater, the Mullumbimby Steiner School, is hereby referred to as 'the School'.

The School's policies which are made from time to time are made pursuant to the requirements set out in section 47 of the *Education Act 1990* and of the NESAs for registration of the school.

2 OBJECTIVES

By implementing this policy, the School aims to achieve the following objectives:

- The principles and responsibilities of managing complaints relating to School are clearly set out and communicated to relevant persons
- Complaints made by or against any employee, student, Board member, or member of the community are dealt with ethically, in a sensitive, impartial, timely and confidential manner which ensures all parties involved in the complaint are accorded the principles of procedural fairness
- The complaints handling process assists in building and maintaining trusting and respectful professional relationships
- The complaints handling process is used as an opportunity to improve the health, safety and productivity of the School's learning and work environments
- The School meets its obligations under the School Constitution and relevant legislation.

3 SCOPE

This policy applies to all employees, students, parents, visitors, contractors, volunteers, stakeholders and members of the general community.

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 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.

4 DEFINITIONS

4.1 Complaint

A complaint may arise from a policy or a decision, act or omission by an employee, contractor, visitor, 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.

Where appropriate, complaints will be regarded as opportunities to improve quality, safety and compliance.

4.2 School Management

'School Management' refers to the Head of School, Business Manager, Faculty Coordinators, and any other management position appointed by the Head of School.

5 PRINCIPLES AND COMMITMENTS

The School believes that this policy's objectives are best achieved by acting in accordance with the following guiding principles and commitments.

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| Good Faith,
Respect &
Courtesy | <ul style="list-style-type: none">• Complaints should be made in good faith and aimed at protecting and enhancing student, staff and organisational well-being.• Complaints should not be 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.• All those involved in the complaints resolution process are expected to act respectfully, with courtesy, and abide by the behaviour expectations contained in their relevant code of conduct. |
| Accessibility | <ul style="list-style-type: none">• Information about how to make a complaint and the School's procedures when responding to a complaint will be easily accessible. |
| Responsiveness | <ul style="list-style-type: none">• A complaint should be raised as early as possible following the incident giving rise to the complaint.• Complaints should be dealt with expeditiously and in a transparent way to ensure early resolution of the issue and minimal disruption to the School. |
| Flexibility | <ul style="list-style-type: none">• The School will provide the school community with a complaint resolution process that is flexible and aims to resolve complaints in the best interest of all parties involved.• The School will encourage 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.

- The School will maintain a formal complaint procedure to be used where the informal process has been exhausted, or the complaint is of a serious nature, such as:
 - 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.
- 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.

Procedural
Fairness,
Accountability &
Human Rights

- All complaints will be dealt with fairly, expeditiously, confidentially and efficiently.
- The School's complaint handling procedures will ensure accountability by incorporating the principles of procedural fairness.
- Any complainant or respondent 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.
- The School will endeavour to protect any person raising a complaint from any victimisation or repercussions for reporting issues in good faith.

Objectivity

- Each complaint will be treated in an equitable, objective and unbiased manner.
- 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.

- A complaint made against the Head of School will be referred to the Chairperson of the Board for resolution.
- Protection of Privacy
- 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.
 - In accordance with the principles of procedural fairness, formal complaints cannot be made anonymously.
- Continual Improvement
- The School recognises the important role of feedback to promote a healthy, safe and productive environment. Feedback is encouraged about the quality of teaching, the School's policies and procedures, the refusal of a service or support and the school environment.
 - Complaints cannot 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.

6 RELATED LEGISLATION, POLICIES & PROCEDURES

- WS-GLD-Making a Complaint Guideline for Students and Parents
- HS-PRO- High School Student and Parent Complaints Resolution Procedure
- PS-PRO-Primary School Student and Parent Complaints Resolution Procedure
- WS-PRO-Informal Complaints Resolution Procedure
- WS-PRO-Formal Complaints Resolution Procedure
- WS-REG-Formal Complaints Register
- WS-POL-Work Health & Safety Policy
- WS-POL-Discrimination, Harassment and Anti-Bullying Policy
- WS-CDE-School Code of Conduct
- WS-CDE-Parent Code of Conduct
- *Work Health and Safety Act 2011 (NSW)*
- *Anti-Discrimination Act 1977 (NSW)*
- *Freedom of Information Act 1989 (NSW)*
- *Fair Work Act 2009 (Clth)*
- *Fair Work Amendment Act 2013 (Clth)*
- *Independent Schools NSW (Support and Operational Staff) Multi-Enterprise Agreement 2015-2017*
- *Independent Schools NSW (Teachers) Multi-Enterprise Agreement 2015-2017*
- *National Employment Standards*

7 ROLES & RESPONSIBILITIES

The Board is responsible for ensuring that this policy is reviewed for effectiveness and updated on a regular basis.

The Head of School is responsible for ensuring that this policy is implemented through the development and implementation of action plans, procedures and other documentation. The Head of School is also responsible for ensuring that these documents are monitored for implementation, reviewed for effectiveness and updated on a regular basis.

DOCUMENT HISTORY

Version:	Date approved:	Description of changes made from previous version
V1	20170321	
Draft B		
Draft A		
Next review date:		

Version:	Author:	Reviewed by:	Approved by:
V1	C Rubsamen		
Draft B			
Draft A	Bec McNicholl	Vicki Lawrence	NA