



Heritage College Sydney

wisdom through knowledge

COMPLAINTS & ALLEGATIONS POLICY

Rationale

As a registered and accredited school in NSW, it is essential to ensure compliance with the New South Wales Education Standards Authority (NESA Registered and Accredited Individual Non-government Schools NSW Manual – January 2019, 3.11.4) and that the school have in place and implement policies and procedures in relation to complaints and grievances, with specific reference to processes for raising and responding to matters of concern identified by staff, students and / or parents. This includes complaints or allegations of staff misconduct and reportable conduct.

Christadelphian Heritage College Sydney is committed to resolving complaints, grievances

Making Suggestions, Complaints or Allegations

Procedures to Achieve Resolution

If a complaint or allegation is about misconduct or reportable conduct that concerns the protection of children and young people or any conduct, which, if sustained, could amount to a crime or breach of discipline, then any attempt to resolve the matter through negotiation should not be commenced.

Attempts should be made to resolve all other matters before a complaint is lodged. Therefore, prior to lodging a formal complaint, it would be desirable that the person should raise their concern with the relevant staff member at an appropriate time and place, and seek resolution. Unless the matter was between two staff members, it would be appropriate for the person to make an appointment with the relevant staff member through the school office.

There may however be exceptional circumstances that may preclude the interview process. These may be because the allegation is of such a serious matter that it needs to be immediately drawn to the attention of an executive member of staff or government agency; or that either of the parties involved is fearful or feel intimidated by the other.

In attempting to resolve a matter before a complaint is lodged, either party would have the right to invite someone to support them during the resolution process. It would be important that both parties participate in this process with the purpose of identifying the problem and in a spirit of conciliation work together so as to resolve it. Resolution may require compromise on both sides.

If both parties are willing it may, for the p

communicated back to the person lodging the suggestion, complaint or allegation to ascertain whether it has been accurately understood. The college will strive to assist the person, especially those with special needs, in this communication process.

CHCS would prefer that complainants include their name and signature. However, if the complainant would prefer to submit an anonymous suggestion, complaint or allegation, it must be understood that the usual negotiation process cannot be followed, and that any investigation of the substance of a complaint or allegation may fail for want of the ability to clarify matters or seek further detail from the complainant. Anonymous egato741.92 re0.000008871 9sETQ

Negotiation

If a matter does not relate to a serious misconduct or reportable conduct, then CHCS will strive to resolve conflict through the process of negotiation. This will require both parties coming together with a mutual desire to resolve the difficulty. A solution will be sought through either direct contact or through other means of communication. A solution must be decided upon and agreed to. If agreement is not possible then external mediation may be required.

Note that where a complaint is anonymous, or the complainant requires that their identity not be revealed to the respondent, negotiation is not possible.

When negotiating a resolution, the following process should be followed by the Principal or delegated officer:

Ensure that the complaint is in writing (whether written by the complainant or a college representative). CHCS will strive to render assistance to allow any person to communicate their concern

Treat the complaint confidentially and inform the complainant as to the College's Privacy Policy.

Acknowledge the complaint in writing within five working days of receipt of the complaint, and including an outline of the process that will be followed and inviting any clarification of the process.

Notify respondent of the complaint within five working days of receipt of the complaint (this may be an individual or the College Board). Do this at an appropriate time, being sensitive of the needs, roles and responsibilities of the respondent. Arrange a mutually convenient time to meet and provide the details of the complaint along with other relevant policies that have bearing on the matter. Inform the respondent of the need to respond to the Principal or delegated officer in writing within ten days. Advise them of the College's policies on Procedural Fairness and the need for confidentiality by all involved. Inform them that they have the right to have a support person with them during any meetings, and provide any other support, which may be necessary at other times.

Obtain a written response within ten working days of notifying the respondent. This should be copied for the complainant unless it contains information that could breach privacy, jeopardize any other investigation or inflame the conflict. If the response contains such material a different response should be negotiated or a summary excluding this material should be provided by the respondent.

Gather all relevant information, such as copies of legislation, policies, correspondence, eyewitness accounts, professional reports, and student records. Note that these will need to be vetted so as to avoid biased viewpoints and also carefully read for patterns of conduct or inconsistencies.

Arrange a meeting(s) or other communication(s) so as to expedite the negotiation process. An interpreter may be needed to facilitate communication. The parties will be informed of their right to have a support person in attendance as an observer.

Consider whether a mediation service is appropriate.

Strive to achieve resolution within ten working days of receipt of the written response from the respondent. This can only happen if agreement is reached, whether this agreement is to a resolution of the conflict, a compromise or the suggestion of another course of action. If an agreement cannot be achieved, then the Principal or delegated officer must make a decision on the outcome of the negotiation and any further action.

Document and notify all involved parties.

Implement any improvements to policies and procedures identified during the negotiation process.

If the complainant or respondent can show that the procedure is not being used correctly, they can raise the matter with a higher authority prior to the resolution or decision. This higher authority could be the Principal, a member of the Executive team, the College Board or a government authority.

Either party will have a right to appeal the decision to the Principal, a member of the Executive team, or the College Board.

The negotiation process can be stopped at any time if any of the following occur:

Either party feels that they cannot or will not proceed with the process.

The matter involves child protection or other alleged misconduct conduct that could lead to disciplinary action if substantiated.

The matter relates to non-negotiable matters dictated by legislation.

The complaint or allegation is found to be without substance, malicious or misinformed.

respondent is not necessarily informed of the content of the complaint or allegation at this stage as not all issues will yet be identified.

Collect documentary evidence, which may include letters, memos, hard copy of e-mails and computer-based files, timetables, photographs, diaries, invoices, and time sheets.

Obtain witness statements, which should be written or typed, signed and dated. The investigator may need to provide assistance for this to happen (such as assistance with typing or translation).

Interview respondent(s) and document their responses (e.g. in a record of interview) or obtain a signed and dated statement from the respondent(s). The respondent can be required to attend an interview during an investigation, but they have a right not to answer questions put to them. In the event that a respondent does not answer a question during interview, the interviewer has the option of providing the question in writing or of continuing the investigation without this response. The notification given to the respondent of the interview will vary according to the risk that evidence will be destroyed or witnesses intimidated. The respondent may have a support person during interview to provide them with advice and support. Interviews of respondents during the investig

Procedural Fairness

Procedural fairness, also known as natural justice, applies in situations where a decision is to be taken which could have a detrimental effect on the rights, interests or legitimate expectations of an individual. All those involved in the negotiation and investigation process should strive to provide this consideration. There are two parts to procedural fairness, the

False and Malicious Complaints and Allegations

If a complaint or allegation cannot be substantiated because of a lack of evidence, then the process report will indicate that there was insufficient evidence to be able to draw a certain conclusion as to the accuracy of either case in regard to the matter. If, however, during the investigation process evidence is discovered that demonstrates that the complaint or allegation is false then the conclusion will clearly state this. The complainant will be advised of this evidence and subsequent conclusion and reconciliation sought between the parties by using the negotiation process.

If, during the investigation process, it is discovered that there is evidence of malicious intent on the part of the complainant, then the conclusion will clearly state this. The complainant will be advised of this evidence and subsequent conclusion and reconciliation sought between the parties by using the negotiation process.

