



COMPLAINTS AND GRIEVANCES POLICY

Status	CURRENT
Classification	General Compliance
Established	2005
Last Review	2020
Next Review	2025
Responsibility	Director of People and Culture / Director of Strategy, Risk and Compliance

CONTEXT

St Augustine's College – Sydney is a Year 5 to Year 12 Catholic Congregational comprehensive school for boys teaching the Augustinian values of Truth, Love and Community.

The College seeks to promote the formation of the whole person; an individual who is well rounded and lives by the Gospel mission of justice, forgiveness, compassion and generosity.

Key to an Augustinian education is friendship, a commitment to learning and the opportunity to achieve academic and personal excellence within a faith community.

Caveat: Complaints, which may refer to sexual harassment, harm to children or are of a higher order complaint are not addressed under this policy but are treated in the following:

- a) Child Safeguarding Policy and other related policies
- b) Discrimination, Harassment and Bullying Prevention Policy
- c) Whistleblower Policy

RATIONALE

St Augustine's College, Sydney is open to the concerns of parents and students and any complaints will be received in a positive manner and will be taken seriously

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 – October 2014, Page 33) 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.

The purpose of this policy is to provide staff, parents and students of the St Augustine's College community, a framework for the timely and fair resolution to complaints.

This statement describes clear processes by which complaints and grievances between the College, parents and students may be speedily resolved to the satisfaction of all concerned.

Good relationships within the College give students greater opportunities to succeed. It is natural that parents at one time or another may have concerns about what happens at the College. To maintain good relationships, grievances or conflicts should be resolved so that all

parties achieve satisfactory results. The appropriate reception and processing of complaints or expressions of concern are to be regarded as a normal part of continual improvement in the College. The information obtained from accurate analysis of and action on complaints must be available to both the operational and governance leaders of the College.

The welfare of children in the College is paramount. Open criticism of any party in a complaint or grievance does not support the student's education. Fair and open communication conducted within the procedure's framework outlined here, ensures that the rights and responsibilities of all parties are respected.

To ensure that complaints are dealt with in a fair and transparent manner which gives cognisance to the legal obligation of the College in relation to its duty of care to the student but also guarantees procedural fairness and natural justice to the employee.

POLICY

This policy applies to complaints and grievances among all members of the College community – staff, parents, students.

Complaints and grievances are to be resolved preferably at the most immediate, personal level possible, that is directly between the individuals who are party to the grievance.

The following guidelines outline the preferred steps in resolving complaints and grievances.

- The aggrieved person should speak to the party who is the subject of the grievance, for example if a parent has a grievance with a teacher, the parent should first seek to speak to the teacher privately; likewise, if the grievance is between two members of staff they should first seek to resolve it privately; if it is a student who has a grievance against a teacher, it would be appropriate for the student's parents to speak on the student's behalf.
- If the grievance cannot be resolved privately or if the aggrieved person is uncomfortable acting on their own, another appropriate person (e.g. staff member, parent) should be invited to assist in presenting the grievance. The College Counsellor may be invited to act as a support person or mediator.
- If the grievance cannot be resolved in this manner, an appropriate member of the Leadership Team should be approached for their assistance and a meeting should be set up, with the member of the Leadership Team acting as mediator
- If the grievance cannot be resolved at this level, the Principal should be informed in writing and an appropriate meeting scheduled to resolve the grievance.
- If a grievance is against the Principal and if it cannot be resolved at the local level, the aggrieved person should contact the Chair of the College Board.
- When a grievance or complaint is communicated initially to the Principal, in ordinary circumstances it will be referred to an appropriate member of staff (e.g. Deputy/Assistant Principal, Student Co-ordinator, College Psychologist) to facilitate resolution in the spirit of the above policy and procedures.
In relation to managing complaints of discrimination, harassment or bullying, the College makes reference to its own Discrimination, Harassment and Bullying Prevention Policy.

The Guideline is not applicable to the handling of the following types of complaints:

- Complaints related to ongoing legal proceedings;
- Complaints under the jurisdiction of other organisations/government departments;
- Complaints governed by other statutory regulations such as complaints against corruption, fraud or theft;
- Anonymous complaints unless when there is sufficient evidence or when the case is serious or urgent;
- Complaints not made by the person concerned -- anyone who seeks to file a complaint on behalf of the person concerned must obtain his/her prior written consent;
- Complaints involving incidents that happened more than one year ago;
- Complaints with insufficient information

St Augustine's College - Sydney is committed to seeking feedback from parents, students and staff and to improving the quality and delivery of its services, policies and procedures based on that feedback.

The College acknowledges the right of parents and students to raise concerns they may have about the quality of services provided or about staff providing them and to have them addressed appropriately. Hence it will make available information about processes for managing complaints.

The College aims to address and seek to resolve all complaints in a timely manner and in accordance with the principles of honesty, transparency and justice to all concerned. No person making a complaint in good faith will be disadvantaged thereby.

DEFINITIONS

Expression of Concern: An expression of concern relates to relatively minor matters and may be expressed orally or in writing and may or may not be formally investigated and reported. If an investigation is made, a full and adequate file will be kept, and a record made of action taken.

Complaint: 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

Complainant: Any person making a complaint.

Receiver: Any person who receives the complaint.

Grievance: An actual or supposed circumstance regarded as just cause for complaint.

Natural Justice: Natural justice principles include that:

- the respondent shall have a right to be heard before the decision is made;
- all parties to a complaint shall have the right to be heard;
- all relevant submissions and evidence shall be considered;
- matters that are not relevant shall not be taken into account;

Respondent:

- the decision-maker shall not be biased or appear to be biased.

 Someone who responds or makes reply to a complaint allegation.

REQUIREMENTS

The following requirements are necessary to the effective resolution of complaints and grievances:

1. Contact with the College

- All personal matters, such as concerns regarding student, parent or staff relationships should be raised directly with the College.
- Where the issue relates to school policy or matters beyond an individual classroom, the Principal should be the first point of contact.
- If the matter relates to an individual student and/or an issue of everyday class operation, the student's teacher and or Student/House Formation Leader will be the first point of contact.
- If this matter cannot easily be satisfactorily resolved, it should be referred to the appropriate Deputy Principal or Assistant Principal.

2. Time Frame

It is the obligation of all parties to deal with a concern as soon as practicable. In some cases where external personnel or factors are involved, resolution might take longer than generally expected.

IMPLEMENTATION PROCEDURES

1. Expressions of Concern

- Expressions of concern may be made to any staff member, or as appropriate to the level of concern, to a staff member, the appropriate Deputy Principal, Assistant Principal, the Principal or, in cases involving the Principal, to the College Board Chairman.
- The Principal will be informed of any expressions of concern.
- When a person ("Receiver") receives an expression of concern it will be investigated, the people involved will be interviewed and the Receiver will report back to the complainant. There will be occasions when the person handling the expression of concern will be able to advise the complainant of the facts at the outset.
- If a concern is expressed to a Board member in the first instance, the person with the concern should be strongly encouraged to take the concern to the Principal or appropriate member of staff. When the concern is more serious, the Board member will record it in writing, date and sign it and hand it to the Principal.
- A full and adequate file shall be kept on action taken about an expression of concern, where that concern has resulted in an investigation. Such a file should be kept on the student, staff, or other relevant file and no records relating to the concern should be kept in any other place.
- The Principal, having been informed of an expression of concern, shall decide if the matter warrants investigation as a complaint.

2. Complaints

- a) Where the person raising the issue refers, in writing, to it as a complaint, then the matter shall be treated as a complaint.
- b) Complaints should be made to the Principal or (in cases involving the Principal) to the Board Chairman.
- c) The Principal will establish a committee formed of the appropriate Deputy Principal or Assistant Principal and/or any other appropriate staff or expert if necessary. The committee will investigate the complaint and report to the Principal (or his delegate) who will report to the original complainant. The complaint, investigation and actions/resolutions are to be filed in a 'Complaints' file with the Principal
- d) If the complainant is not satisfied with the handling of a complaint, the complainant(s) should put the matter in writing to the Board Chair.
- e) The handling of complaints must be consistent with policies on staff discipline and sexual harassment
- f) All complaints will be investigated as speedily as possible
- g) All people referred to in the file shall know where such file is kept and that access to the file is in accordance with the College Privacy Policy
- h) Where appropriate, outside mediation may be sought
- i) In dealing with any complaint the College will act in accordance with the relevant conditions of the current employment contract(s) and its complaint procedure.

A full and adequate file shall be kept on the investigation of a complaint. Such a file should be kept on the student or staff concerned and/or on the complaint itself.

Addressing Complaints

- The determination about whether there has been any unsatisfactory / inappropriate practice or action will be made as early as possible and in the fairest and most objective manner possible. Resources deployed in addressing complaints will, in general, be proportionate to the seriousness of the issue.
- Those handling complaints will:
 - clearly identify what support mechanisms and information sources are available to all parties involved in the complaints process;
 - provide opportunities for all parties in the complaints process to receive appropriate feedback on the outcome of the process;
 - maintain reasonable records of the complaint and formal discussions regarding the complaint.

Conflict of Interest

If during the resolution of a specific complaint, the reporting line of the person with responsibility within the process for investigating or resolving the complaint creates a real or reasonably perceived conflict of interest, the complaint will be routinely referred to another person who is independent of the conflict.

Response to Complaints

- Where, in the professional judgement of the Principal or staff member who has received the complaint, there is a need for a complaint to be addressed, the staff member concerned must be informed and involved.
- Provided the complaint does not relate to allegations of serious misconduct of sexual, physical or emotional abuse, the parent, student (if appropriate) or staff member who has made the complaint should, in the first instance, be requested by the Principal or staff

member who receives the complaint, to commit the concern to paper, providing sufficient detail for the receiver to understand the nature and context of the complaint.

- If the complainant is unable to commit the complaint to writing, then the person who receives the complaint must record the particulars of the complaint in writing on the person's behalf.

Exceptions

- While parents and students may from time to time raise concerns or complaints relating to an employee, not all matters will need to be raised with the staff member concerned. If, after initial investigation, the matter proves to be unfounded, vindictive or the complainant is not prepared to follow agreed process in documenting the complaint, proceedings will be terminated.
- Complaints not raised with the staff member concerned at the time must not be relied upon in any further disciplinary proceedings or professional contexts.

Process

- Where, in the professional judgement of the Principal or his delegate, there is a need for a complaint to be addressed or acted on, or it is in the best interests professionally or educationally, the employee must be informed of the complaint in writing.
- Employees are entitled to know the details of the complaint against them, including the name of the person raising the complaint, the specific details of the complaint, and are given the opportunity to respond prior to any action being taken in response to the complaint.
- It is unprofessional and a denial of natural justice for the name of the complainant and the details of the complaint to be withheld from the employee concerned. Such withholding of key information does not afford the employee an appropriate and adequate opportunity to respond to and address the complaint.
- The employee should be given the option of responding in writing or attending a meeting with the complainant with a view to determining whether resolution can be achieved.
- Where it is intended that there is to be a meeting of the employee concerned with the Principal, parents/students or other appropriate staff in relation to the complaint, the employee concerned should be told, in writing and with sufficient notice, the purpose of the meeting and who will be attending the meeting.
- The employee concerned will be given the opportunity to be accompanied by a representative of their professional union or a staff member of their choice. He/she will be involved in discussions about the resolution of the concern and any actions arising from the complaint, especially where this involves commitments/correspondence to the complainant.

Unresolved Complaints

- If, following the procedure outlined above, the complainant does not feel the matter has been resolved, the complainant may raise the concern with the Principal or his delegate who will:
 - discuss the matter further with the complainant and, if it is found that the complaint is genuine, will discuss the concern with the teacher or other staff member concerned; or

- discuss the matter further with the complainant and, where the concern is based on misinformation, misunderstanding or is vexatious or misconceived, clarify the matter with the complainant.
- If the matter of complaint remains unresolved and if matters of disagreement or interpretation are unable to be resolved, the parties shall be offered mediation according to the following procedures:
 - Where mediation is required the College will appoint (at its cost) a mediator who is agreed to by the parties involved.
 - The parties will observe the instructions of the mediator concerning the conduct of the mediation.
 - The mediation procedure is confidential, and no party can use as evidence in court proceedings any discussions between the parties and the mediator.
 - If the mediation process has been completed and resolution has not been achieved, then the decision as to whether any further action should be taken in relation to the complaint shall be solely at the discretion of the Principal.
 - Staff members against whom complaints are made will undertake to not victimise or seek retribution against any complainant or student.

Confidentiality

- Confidentiality shall be maintained at all stages of the complaint procedures with communication limited to those people who need to be informed in order to resolve the complaint. Details of a complaint shall be known only to those directly involved in its resolution.
- The identity of the person reporting the matter must not be revealed to any other person without that person's knowledge and consent, unless it is required to be disclosed by law.

Records

- Records of the complaint, the process for handling the complaint and any outcomes should be kept.
- Where a complaint is addressed or acted on, a copy of any reports related to the handling of the complaint must be given to the teacher or staff member concerned. Teachers and staff members must have access to the files kept in relation to the matter by the College.
- Where the complaint is found to be vexatious or based on misinformation etc, any record pertaining to the complaint or handling of the complaint will be kept in a file separate from that of the teacher or staff member concerned.

Grievance Procedure

If a teacher or other staff member believes that the process of handling the complaint and/or the outcome of the complaint have been unfair and/or inappropriate, he/she has the right to pursue grievance procedures. In such situations, the teacher or other staff member concerned should be granted access to all file notes.

Natural Justice

In implementing this policy, the College will ensure that the principles of natural justice apply to complaint management, ie that:

- all parties to a complaint shall have the right to be heard;
- all relevant submissions and evidence shall be considered;
- matters that are not relevant shall not be taken into account;
- that the decision-maker shall not be biased or appear to be biased.

Communication of Policy

All stakeholders, ie parents, students and staff shall be provided with information about the Complaints and Grievance Policy and process. It will be readily available to the community on the College website, www.saintaug.nsw.edu.au.

VEXATIOUS COMPLAINTS

Those deemed to be mischievous, frivolous, malicious, misconceived, lacking in substance, not made in good faith or containing spurious information, and predominantly aimed at annoying, harassing and/or intimidating staff members.

Complaints found to be vexatious will not be investigated.

PRINCIPLES TO BE FOLLOWED WHEN INVESTIGATING A COMPLAINT

Principle I: Handling of complaints by the appropriate party/parties

The College will handle those complaints relating to their daily operations and internal affairs. Complaints involving other jurisdictions are to be lodged to and handled by the relevant agencies.

Principle II: Timely and efficient handling

The College will handle and respond to all verbal or written inquiries, opinions or complaints as soon as possible to prevent escalation. Upon receipt of a complaint, the aggrieved person should speak to the party who is the subject of the grievance and then if unresolved, referred as appropriate to more senior staff.

Principle III: Clear and transparent mechanism

The College is to follow a clear and effective mechanism as well as procedures for speedy and proper handling of complaints.

This Policy, guideline and procedures identifies the process and staff responsible for handling complaints

Principle IV: Fair and impartial handling

The College approaches complaints positively and treat the complainants and respondents of the complaints fairly. The College ensures that sufficient appeal channels are provided and may consider inviting independent persons to participate in the complaint/appeal handling process.

Before an investigation begins or where appropriate, the designated staff and related individuals should declare interests. If there is any conflict of interest, the persons concerned should not be involved in handling the case or have access to information relating to it.

To avoid conflict of interest, any staff member who is the respondent of the complaint should not be involved in handling the case, supervising the investigation, or signing and issuing letters to the complainant.

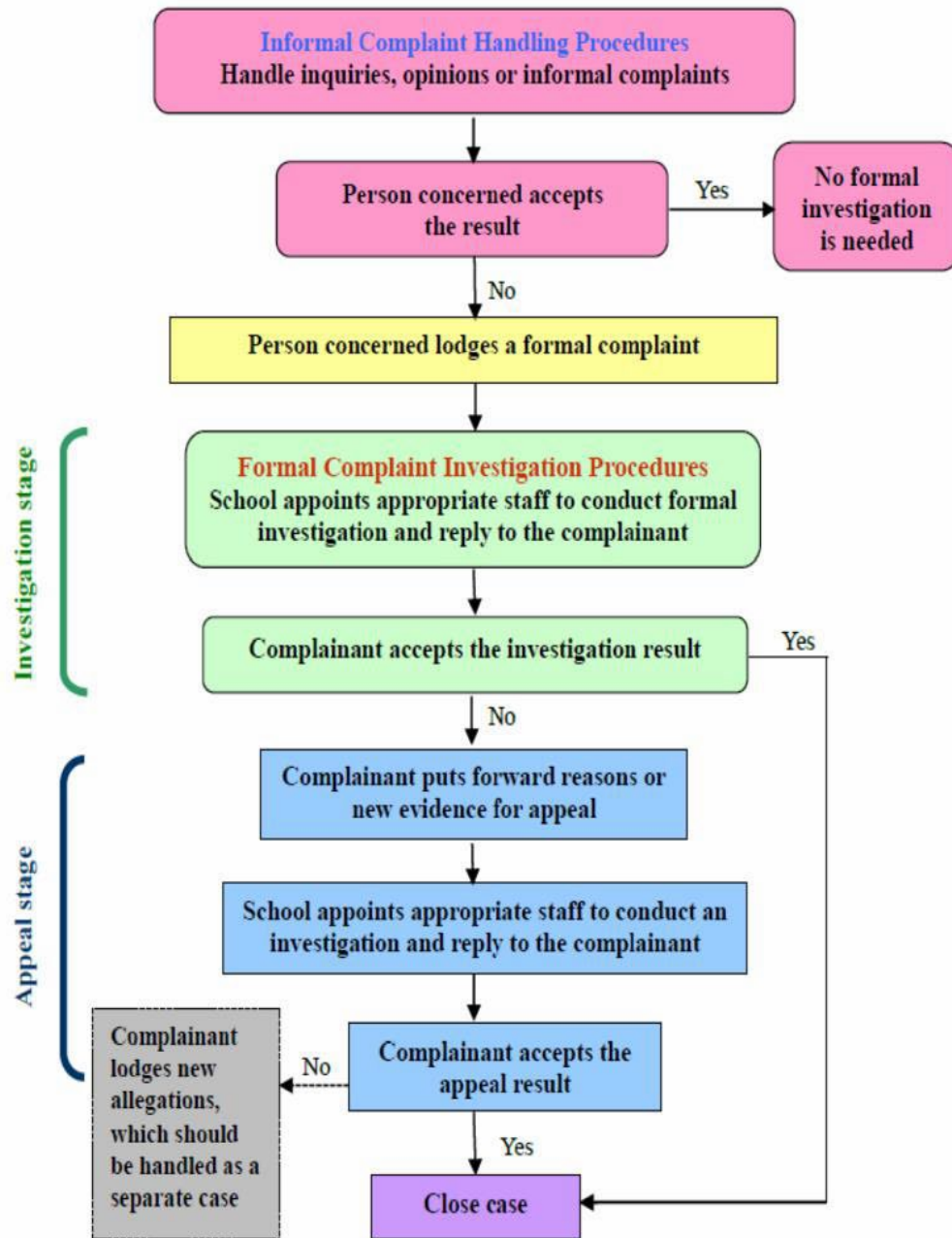
The College will see to it that the rights of the complainants or other persons involved in

the complaint are being protected and that their future communication and contact with the College would not be affected.

APPENDIX: 1

HANDLING CONCERNS, COMPLAINTS AND GRIEVANCES

Diagram 1: Flowchart of School Complaint Handling Procedures



1. INFORMAL COMPLAINT HANDLING PROCEDURES

In general, if the case does not require an investigation involving evidence collection, or the person concerned does not request a formal written reply, the frontline staff may handle the matter following the informal complaint handling procedures of the school.

On receiving an inquiry, opinion or informal complaint, the frontline staff should listen to the concerns of the inquirer/complainant with care and understanding. If the incident is not serious, they should provide whatever assistance or information required or promptly respond to the concerns raised by the inquirer/complainant and help resolve the problems involved.

If necessary, the school staff in charge of the relevant issue should be informed and they should have direct talks or interviews with the person(s) concerned to explain the schools' stance and remove any misunderstanding, misgivings or worries of them. The time limit for an initial response is set to be within two working days.

Oral replies will suffice, and written replies are normally not required. For opinions/complaints which are presented in written form, the responsible staff may decide whether a simple written reply to the person(s) concerned/complainant is appropriate. If an inquiry/complaint has been answered or resolved instantly, it is suggested that the designated staff or the Principal may record the key points in a log book for future reference.

If necessary, the responsible staff may brief the person(s) concerned on the follow-up actions that the school has adopted and the results that follow.

If the complainant still does not accept the school's response or the problem remains unresolved, the formal complaint investigation procedures (including an appeal mechanism) should be initiated.

2. FORMAL COMPLAINT INVESTIGATION PROCEDURES

1. Complaint Domains

Domain	
Management and Organisation	<ul style="list-style-type: none">• College accounts• College policies• Standards of contractors' services• Service contracts• College environment and hygiene• College ethos
Teaching and Learning	<ul style="list-style-type: none">• School-based curriculum• Selection of subjects and class allocation• Homework• Student assessment• Staff performance



School Ethos and Student Support	<ul style="list-style-type: none"> • Home-school cooperation (e.g. consultation mechanism, communication channels) • Student support • Extra-curricular activities (e.g. arrangements for interest groups and other student activities)
Student Performance	<ul style="list-style-type: none"> • Students' overall performance (e.g. academic results, conduct) • Student discipline

2. Designated staff for handling formal complaints and appeals

Considering the nature of the complaint, its scope and the people involved, the College may assign a designated staff or set up a team to handle the complaint with reference to the following arrangements:

- 2.1 Staff members who are responsible for the appeal stage should be different from those responsible for the investigation stage. In principle, the staff dealing with the appeal should be of a "higher rank" than those responsible for the investigation. If this is not practicable, the school would make other arrangements, such as appointing staff from another department, to ensure fair handling.
- 2.2 Where necessary, the school may establish a task force to handle special complaint cases. To enhance credibility, the school may invite independent persons such as social workers, lawyers, psychologists, and parents or teachers not involved in the case to join the task force to provide professional advice and support.
- 2.3 The appointed staff should be proactive in communicating with the inquirers/complainants, and prompt in providing responses as well as the information they need. The school will also ensure that frontline/ designated staff have proper authorisation and clearly understand their roles and responsibilities.

Target of Complaint	Level	Investigation	Appeal
Subject Teachers	1	Faculty Co-ordinators	DP – Academic
	2	Deputy Principal – Academic	Principal
Student Support	1	Student or House Formation Leaders Careers Advisor	DP - Students
	2	Deputy Principal – Students	Principal
Middle Managers	1	Relevant Deputy Principal or Assistant Principal	Principal
Support Staff	1	Relevant direct manager	AP – Staff
	2	Assistant Principal – Staff	Principal

Sport Coaches & Managers	1	Teachers – in – Charge	Sports Master
	2	Sports Master	AP – Sport and Co-Curricular
	3	Assistant Principal – Sport and Co-curricular	Principal
Principal	1	Board	Prior Provincial

3. Investigation

Any formal complaints should be handled according to the following procedures:

- 3.1 The Principal will be responsible for assigning appropriate staff to investigate the complaint and reply to the complainant in accordance with the situation and after declaration of interest
- 3.2 Acknowledge receipt of the complaint, seek the complainant’s consent to obtain his/her personal data and information relating to the complaint, and inform him/her of the name, post title and phone number of the staff responsible for handling the case for contact purposes. Samples of Acknowledgement Letters are provided in **Appendices 2 and 3.**
- 3.3 If necessary, contact the complainant and other persons involved or arrange meetings with them to have a better grasp of the situation or request them to provide relevant information
- 3.4 Handle the complaint as quickly as possible (It is suggested that the investigation should be completed within two working weeks after receiving the complaint.) and send a written reply to inform the complainant of the investigation result.
- 3.5 If the complainant accepts the investigation result, conclude the case officially
- 3.6 If the complainant does not accept the investigation result or the way the school handled the complaint and is able to provide new evidence or sufficient justification, he/she may lodge an appeal in writing against the school’s decision within 14 working days from the date of its reply addressed to the Principal or the Board Chair depending on the designation.

4. Appeal Stage

Procedures for appeals are as follows:

- 4.1 The Principal will be responsible for assigning appropriate staff of a ‘higher rank’ than those responsible for the investigation stage, to handle the appeal and reply to the complainant in accordance with the situation and after declaration of interest.
- 4.2 Handle and resolve the appeal as quickly as possible (within two weeks after receiving the request for appeal) and send a written reply to inform the complainant of the appeal result.
- 4.3 If the complainant accepts the appeal result, conclude the case officially
- 4.4 If the complainant does not accept the appeal result or the way the school handled the appeal, the school should cautiously review the appeal process to ensure that proper procedures have been followed.



4.5 If the complainant raises other new allegations, the school will handle them separately to avoid mixing up the old complaints with the new ones.

5. Responding to complaints/appeals

If the complaint or appeal is in written form, the College will respond with a written reply. If the complaint is made verbally, the responsible staff may decide whether to respond orally or in writing. If the case is referred by other organisation(s), a copy of the written reply should be forwarded to them for reference.

The time limit for replying to a complaint/appeal should start from the date on which it is received or when the complainant agrees to let the school have access to his/her personal data. If the information submitted is incomplete, the time limit should start from the date on which the school receives from the complainant the necessary information. If a reply cannot be given within the specified period, the College will explain to the complainant in writing why a longer handling time is required.

6. Complaint/appeal records

The school will keep a clear record of cases handled by the formal complaint investigation procedures. The College establishes a complaint record management system to store relevant information (including correspondences, investigation reports and interview records), and keep statistics of complaints and appeals lodged through either the informal or formal handling procedures for future reference.

7. Confidentiality and Privacy

All content and information of complaints should be kept strictly confidential and restricted to internal reference or reference by relevant persons only.

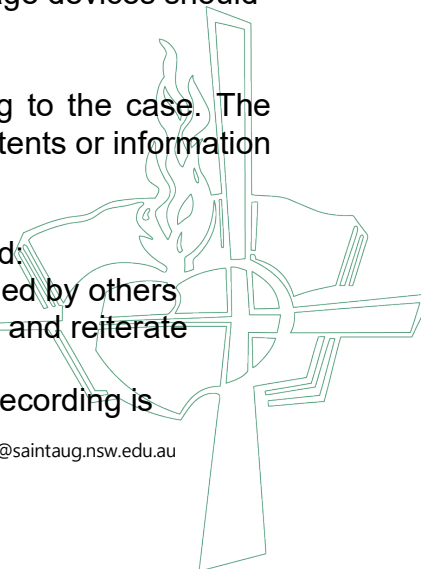
When personal data are to be collected or requests for disclosure of data/records are received during the handling process in respect of the complaint case, the regulations and recommendations laid down in the Privacy Policy should be observed. This includes clearly stating the purpose and the form of collection of personal data, and that the data will only be used for handling the complaint or appeal cases.

Appropriate security measures should be adopted to protect personal data and privacy, such as keeping the data in safe places (e.g. cabinets under lock and key). Computer data should be protected by passwords. Use of portable data storage devices should be tightly controlled. Where necessary, encrypted portable data storage devices should be used.

Only authorised persons are allowed access to information relating to the case. The responsible persons should not disclose or discuss in public any contents or information relating to the case without authorisation.

To avoid misunderstanding, the following measures should be applied:

1. State clearly whether the person(s) concerned can be accompanied by others (e.g. relatives, legal representatives) during the interview/meeting and reiterate this stance before the interview/meeting starts; and
2. Indicate before the interview/meeting starts whether audio/video recording is



prohibited or whether the consent of all attendees must be obtained if the session is to be audio/video recorded. This stance should be reiterated before the end of the interview/meeting.

Handling Anonymous Complaints

Whether the complaint is made in written form or in person, the complainant should provide his/her name, correspondence/e-mail address and/or contact phone number. If in doubt, the school may request the complainant to show his/her identity documents. Should the complainant fail or refuse to provide these personal details, thus rendering it impossible for the school to investigate the complaint and reply in writing, the complaint will be deemed anonymous and the school may not handle it.

However, under special circumstances (e.g. when there is sufficient evidence or when the case is serious or urgent), the middle or senior management of the school may decide whether to follow up with an anonymous complaint, such as treating it as an internal reference, informing the respondent about the complaint, or taking appropriate remedial and improvement measures. If follow-up actions are considered unnecessary, the school should briefly state the reasons and put on file for record.

