



# New Madinah College

## Grievance Policy and Procedures

***This policy addresses issues in relation to:***

*Safe and Supportive Environment – Student Welfare 3.6.2*

*Guidelines for the Regulation of Teacher Accreditation Authorities for Non-Government Schools – 4.1*

***(See also Policy on Staff Code of Conduct)***

### **INTRODUCTION**

New Madinah College is an organisation encompassing students, parents, and staff. The College values these people and believes that a process for the acceptance, monitoring and resolution of conflict, complaints and grievances is in the best interests of maintaining a harmonious, supportive and productive School community.

This grievance policy is aimed at providing a mechanism for resolving grievances in a quick, simple, well defined manner in a supportive and co-operative environment with the utmost confidentiality and sensitivity.

### **1. POLICY**

- a. The College is open to receiving grievances and approaches them in a positive manner.
- b. The College has a commitment to the fair resolution of complaints at all levels.
- c. The College has a commitment to transparency of process and impartiality in handling complaints.
- d. The College has a commitment to ensuring that it has the appropriate resources to fully accommodate a procedure for handling complaints.

### **2. SCOPE**

- a. The scope of this policy extends to grievances brought by any member of staff, parents or students.
- b. Some grievances are better handled under other policies of the College. The College has specific policies in place for issues such as child protection, discrimination and codes of conduct amongst others.
- c. The following policy also extends to processes and procedures in handling complaints and grievances relating to raising and responding to concerns raised about the TAA's accreditation process by teachers and other stakeholders in the accreditation.

### 3. DEFINITIONS

- a. 'complainant': any person who has a grievance. This may include any member of staff, employee, parent or student.
- b. 'grievance': any concern or complaint about any act, behaviour, omission, situation or decision that someone thinks is unfair or unjustified.
- c. 'grievance policy': The procedures and objectives set out in this document.
- d. 'grievance procedure': the procedures defined in this grievance policy.
- e. 'respondent': Any person against whom a grievance is brought.
- f. 'The College': New Madinah College.

### ADDRESSING GRIEVANCES AND COMPLAINTS WITH PROCEDURAL FAIRNESS

In formulating the College's policies and procedures around complaints and grievances, the College will strive to address complaints with procedural fairness.

#### WHAT IS PROCEDURAL FAIRNESS?

The NSW Education Standards Authority (NESA) defines procedural fairness as "a basic right of all when dealing with authorities. Procedural fairness refers to what are sometimes described as the 'hearing rule' and the 'right to an unbiased decision'.

The 'hearing rule' includes the right of the person against whom an allegation has been made to:

- know the allegations related to a specific matter and any other information which will be taken into account in considering the matter
- know the process by which the matter will be considered
- respond to the allegations
- know how to seek a review of the decision made in response to the allegations.

The 'right to an unbiased decision' includes the right to:

- impartiality in an investigation and decision-making
- an absence of bias by a decision-maker."

*(Section 3.7 (Discipline) of the Registered and Accredited Individual Non-government Schools (NSW) Manual)*

## 4. CONFIDENTIALITY

- a. The College is committed to the confidentiality of all complaints, at all steps in the process of their resolution.
- b. Only the College and persons directly involved in a grievance will have access to information the subject of the grievance. It is expected that parties involved will discuss the matter only with their support persons or the other parties involved.
- c. Complainants and respondents have a duty to uphold strict confidentiality during the grievance procedure for the safety and consideration of others that may be involved. Complainants and respondents must not publicise the grievance or the progress of its resolution. The College considers any breach of confidentiality a serious issue worthy of disciplinary action if warranted.
- d. Any documents created or dealt with during the course of the procedure will be marked “confidential” and put in a safe place. These documents may only be accessed by the parties involved in the grievance or by the College if the matter impacts upon the review of this policy.
- e. Although the College is committed to the confidentiality of all complaints, there may be situations where it is not possible to uphold a person’s right to confidentiality. For example, a person’s health and safety may be at risk, or the grievance may involve criminal activity. In these circumstances, the College will always prioritise the safety of the students, staff and wider community.

## 5. TIME LIMIT

The College will try to resolve all grievances as quickly as possible. However, the timeframe for resolution of a grievance will depend on the complexity, nature and scope of the grievance.

## 6. PROCEDURE

The grievance procedure consists of a four-step process. A grievance may be resolved at any stage.

### REFER TO APPENDIX ‘A’

- a. Steps 1 and 2 comprise the informal process as, at this stage, the outcome of the dispute is still within the hands of the parties.
- b. Steps 3 and 4 comprise the formal process as at this stage, the issue is determined by a third party.
- c. The informal process utilises the concept of ‘contact officers’.

#### Who are the Contact Officers?

- Student complainant: Head of College, Principal
- Parent complainant: Head of College, Principal
- Staff complainant: Head of College, Principal or the Managing Director/Secretary of School Board if the complaint is about the Head of College or Principal.

If the Head of College is the subject of the grievance, the investigator will be the Principal or delegate.

If the Principal is the subject of the grievance, the investigator will be the Managing Director/Secretary of the College Board.

From the beginning of the process, complainants and respondents are encouraged (but not obliged) to seek out a support person who can provide support and encouragement throughout the process. Support persons should not themselves be directly involved in the matter which is the subject of the grievance.

### **Who May be a Support Person?**

Support persons may include but are not limited to the following:

- Student complainant: Students will inevitably be supported by their parents but are also encouraged to speak to other appropriate support persons (i.e. teachers).
- Parent complainant: Parents are encouraged to speak to the Head of College or Principal.
- Staff complainant: Staff are encouraged to speak to the Head of College or Principal.

Support persons are entitled to accompany a complainant/ respondent to any meetings that take place during the grievance process but must not have an active role in the resolution process. It is not the role of the support person to be a spokesperson for the complainant.

## **7. STAGE 1 – DISCUSSIONS**

- a. The College recognises that often grievances are simple misunderstandings that are easily resolved via effective communication.
- b. Every grievance must be addressed via informal discussion in the first instance.

Grievances will not be able to progress to the next phase unless both parties have first attempted to discuss the issue.

### **7.1 Objects**

- To resolve issues in a timely manner informally and personally.
- To assist communication between the parties.
- To address minor misunderstandings.

### **7.2 The Process**

The complainant is to approach the respondent and explain their grievance in a non-threatening manner using effective communication.

#### **The Role of Contact Officers**

Complainants are advised to approach the Head of College or Principal for guidance in this stage of the procedure. The Head of College or Principal are available as a support person and to advise the relevant parties on the best way to communicate with the respondent, in a non-threatening manner.

Complainants and respondents may seek out support persons during this time. However, minor misunderstandings are often resolved in a non-threatening environment. Thus, it is not recommended that support persons attend an informal discussion with the complainant.

## **8. STAGE 2 – MEDIATION**

### **8.1 Objects**

- To use a neutral third party to help to resolve the grievance by isolating the main themes and problems and encouraging parties to create solutions.
- To clarify issues and sequences of events.
- To encourage parties to work together to reach a mutually acceptable solution.
- To encourage both parties to think of solutions at an early stage.

### **8.2 The Process**

- a. If discussions were unsuccessful in resolving the matter, the complainant should approach their contact officer to put their concern in writing.
- b. Complainants must complete a confidential form that details the following aspects of the complaint:
  - Dates, times and places of the grievance
  - Perceived problem from the perspective of the complainant
  - A written account of the progress of the informal discussions that were held between the parties
  - Suggestions as to possible solutions
  - Whether the problem is a systemic or recurring problem
- a. A copy of the form is given to the Head of College or Principal.
- b. A Coordinating Officer will be appointed and approach the respondent and request that they attend an informal mediation to resolve the issue. The Coordinator will discuss with the respondent the complainant's written complaint and offer the respondent the opportunity to write down any objections to the complaint, their perceptions of the problem and suggestions as to possible solutions.
- c. The contact officer oversees the process and conducts the mediation.
- d. During the mediation, the complainant and respondent will be encouraged to explain to the other party their perspective of the grievance and how it has affected them.
- e. The Coordinator will then encourage the parties to suggest and agree on negotiated solutions. The Coordinator will be neutral in their dealings with each party both before and during the mediation.

### **8.3 The Role of the Coordinator**

- Let parties communicate their concerns openly
- Maintain impartiality
- Encourage solutions
- Keep notes of any solutions that were suggested by either party
- Write down in detail the solution that is finally determined
- Maintain confidentiality at all times

## **9. STAGE 3 – INVESTIGATION**

- a. It is anticipated that this stage will only be utilised if a resolution cannot be reached through mediation or if one party is unhappy with this grievance procedure.
- b. During an investigation, the outcome of the matter is determined by someone other than the parties.

### **9.1 Who will be the Investigator?**

- a. The following people are appointed as investigators, or, if the parties agree, an independent arbiter may be selected by them:
  - Student complainant: Head of College, Principal or other such person they may appoint.
  - Parent complainant: Head of College, Principal or other such person they may appoint.
  - Staff complainant: Head of College -, Principal or Managing Director/member of the College Board or other such person as they may appoint.
- b. If the Head of College or Principal is the subject of the grievance, the investigator will be the Managing Director/Secretary of the College Board.

### **9.2 Role of the Investigator**

In determining the substance of the allegations/ grievance and recommending a course of action, the investigator must review the written complaint of the complainant, any written response by the respondent and any written records made by the contact officer at the mediation. The investigator may also:

- Conduct interviews with either party
- Speak to witnesses
- Peruse any further information that may be provided by the complainant and respondent. This may include written materials, witness accounts or any other evidence directly relevant to the issues that the party wishes to be considered in the process.

### **9.3 Determinations**

- a. The Investigator may:
  - Uphold the grievance; or
  - Dismiss the grievance if it is considered that it is without merit or is frivolous
- b. The investigator can make any recommendations they consider appropriate in the circumstances. This may include but is not limited to;
  - Discipline or reprimands
  - Counselling
  - A change in policy/procedure of the College
- c. The investigator must fully document the actions they have decided and the reasons for it and provide to both the complainant and respondent a copy of these.

## **10. STAGE 4 - APPEALS COMMITTEE**

### **10.1 What is the Appeals Committee?**

The appeals committee consists of three persons:

- The Managing Director or delegate.
- 2 other members chosen by the Managing Director or School Board who may or may not be Board members.

### **10.2 Role of the Appeals Committee**

The function of the appeals committee is to determine whether the investigator made a decision that was fair and reasonable in the circumstances based on the materials available to the investigator at the time of the investigation.

### **10.3 Resources of the Appeals Committee**

- a. The appeals committee must consider the following in making their determination:
  - Written Complaint
  - Written response
  - Records of the contact officer from mediation
  - Written determination and reasons of the investigator
- b. When a complaint is brought to the appeals committee, the complainant or respondent may provide to the appeals committee submissions outlining why the decision of the investigator is wrong. These submissions must also be considered by the appeals committee when making their determination.

### **10.4 Determinations of the Appeals Committee**

- a. The appeals committee may only:
  - Uphold the decision of the investigator
  - Overturn the decision of the investigator and make new recommendations

- b. The appeals committee must fully document the actions they have decided and the reasons for it and provide to both the complainant and respondent a copy of these.

## **11. PROCEDURES FOR RAISING AND RESPONDING TO CONCERNS RAISED ABOUT THE TAA'S**

### **Accreditation Process**

The Managing Director/Proprietor of New Madinah College will have measures in place to respond in a timely manner to complaints and grievances and implement processes for raising and responding to concerns raised about the accreditation process by teachers and other stakeholders in the accreditation process. Complaints will be addressed with procedural fairness (see page 2 for definition).

If a teachers or other stakeholder in the accreditation process has a complaint or grievance they would like heard, the process outlined below should be adhered to:

- If the complaint is related to a teacher's accreditation from one of the stakeholders in the accreditation process (excluding the TAA Authorised Delegate) it should be addressed to the TAA Authorised Delegate.
- If the complaint is related to the TAA Authorised Delegate, it should be addressed to the Managing Director/Proprietor.
- In cases where the Authorised Delegate determines that a NST does not meet the requirements for accreditation, the NST must be advised of his/her access to an internal review process. Requests for an internal review of the decision not to accredit must be:
  - Based on issues of procedure
  - Made in writing
  - Supported by documentary evidence
  - Made within 28 days of the NST being informed of the accreditation decision
- If an internal review is requested, the Managing Director/Proprietor will ensure an impartial process is adhered to during the review process. This includes the internal review being conducted by a person who is not substantially involved in forming the teacher's accreditation decision and that the internal reviewer be an accredited teacher or eligible to be accredited under the TA Act or currently employed as a teacher in a non-government school.

Furthermore, records of the internal review will be held on file in the office of the Secretary of the College Board. These records include:

- the name of the reviewer
  - the evidence considered during the internal review
  - the outcome of the review and the reasons for that outcome
  - written notice of the outcome of the internal review to the teacher within twenty-one (21) days identifying the reasons for the decision
  - the action taken by the authority as a result of the outcome of the internal review
- If the authority has decided to refuse or fail to accredit a teacher under Part 4 of the TA Act, notice to the teacher of the right under section 27 of the Teacher Accreditation Act to apply to



the NSW Civil and Administrative Tribunal for an administrative review of the authority's decision should be given at the time they are informed of the decision.

## **12. RIGHTS AND RESPONSIBILITIES OF THE COMPLAINANT**

The complainant has the right to:

- be heard and listened to
- have the complaint addressed with procedural fairness
- have the complaint dealt with quickly
- seek legal advice
- have a support person present at all meetings
- confidentiality and sensitivity in the resolution of the process

**Victimisation and repercussions of ill treatment as a result of bringing the complaint will not be tolerated.**

The complainant has the responsibility to:

- approach the process in good faith
- uphold strict confidentiality
- be courteous in dealing with the respondent, contact officer and investigator
- ensure that any support person understands their role in the process

## **13. RIGHTS AND RESPONSIBILITIES OF THE RESPONDENT**

The respondent has the right to:

- present their version of events and reasoning
- be informed of a complaint against them within a reasonable time frame
- seek legal advice
- advise and support
- have a support person present during all meetings
- confidentiality and sensitivity in the resolution of the process

**Victimisation and repercussions of ill treatment as a result of bringing the complaint will not be tolerated.**

The Respondent has the responsibility to:

- approach the process in good faith
- uphold strict confidentiality
- be courteous in dealing with the complainant, contact officer and investigator
- ensure that any support person understands their role in the process

## 14. RESPONSIBILITY FOR THE MAINTENANCE OF THIS POLICY

- a. The Managing Director and the College Board in conjunction with the Head of College and Principal are responsible for gauging how well the Grievance Procedure is working. The College Board will review the policy periodically.
- b. The Managing Director/School Board reserves the right to amend this policy at any time.

Date of Policy:  
February 2019

Proposed review date of  
policy:  
February 2021  
*or earlier where  
amendments in legislation  
require immediate policy  
reviews*

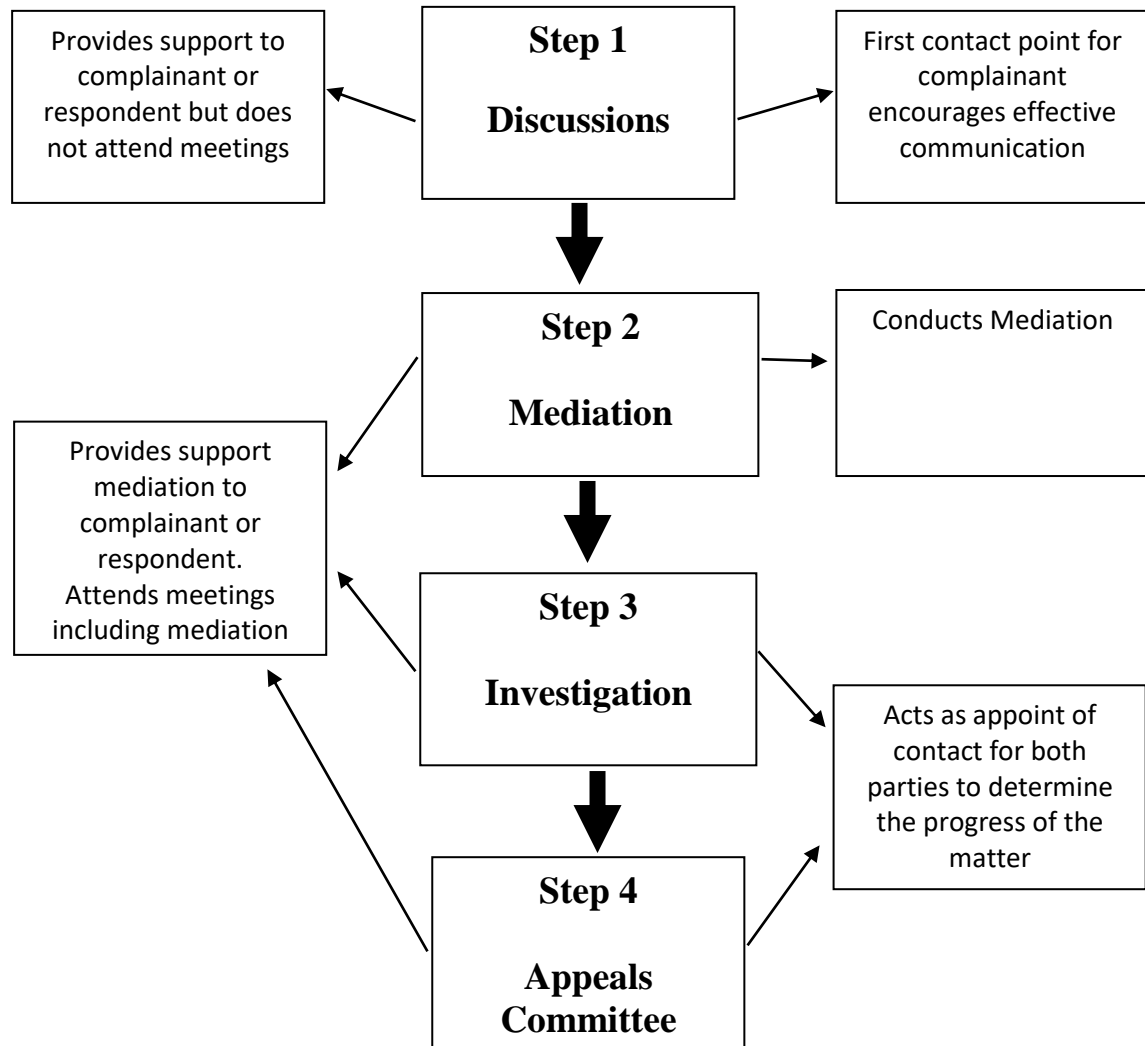
## APPENDIX "A"

# THE PROCESS

### Role of Support Person

### Officer

### Role of Contact





# Grievance/Complaint Form

**Grievance Process**

**Stage 1 - Informal Resolution Process:** The College recognises that often grievances are simple misunderstandings that are easily resolved via effective communication. You should attempt to resolve the grievance informally and amicably at an early stage. This can be done through speaking directly or sending an email to a Team Leader or Academic staff.

**Stage 2 - Formal Resolution Process:** You have been unable to resolve the grievance informally. The formal grievance procedure begins when you state in writing, using this form, that you have a grievance and submit the completed form directly to the Principal, Assistant Principal or Administration.

**Stage 3 - Appealing the Original Decision:** If you are dissatisfied with the outcome of your grievance, you may lodge an appeal with the Appeals Committee within 20 working days of being informed of the decision. Your appeal MUST detail the reasons for the appeal. The Appeals Committee is responsible for reviewing appeals relating to formal grievances and will determine whether the investigator made a decision that was fair and reasonable in the circumstances based on the materials available to the investigator at the time of the investigation.

**PERSONAL DETAILS**

<b>Full Name:</b>	<b>Phone:</b>
<b>Email:</b>	
<b>Address:</b>	<b>Postcode:</b>

**GRIEVANCE DETAILS**

<b>Place:</b>	<b>Date:</b>	<b>Time:</b>
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**Perceived Grievance/Problem/Complaint:**


**Written statement of process and discussions held between parties so far, please include dates if known:**

**If you have made no attempt to resolve your grievance with the College before now, please explain why:**

**Suggestions for possible solutions:**

**Is this a systematic or recurring issue?**

**SYSTEMATIC**

**RECURRING**

**DECLARATION**

I (the undersigned), hereby affirm the information provided in this form to be true and correct. I authorise the College to obtain further information with respect to my grievance and, if necessary, to investigate the legitimacy of my claims.

**PERSON COMPLETING & SUBMITTING THE FORM**

**Name:**

**Signature:**

**Date:**

**Contact Number:**

**OFFICE USE ONLY**

**Received By:**

**Date Received:**

**Grievance Type:**

**ACADEMIC**

**NON-ACADEMIC**

**Forwarded to:**

**Date Forwarded:**