

# Westmead Christian Grammar School

## Policy for Complaints, Appeals and Grievances

Westmead Christian Grammar School is committed to providing an environment, which promotes the health and wellbeing of all members of the school community. It is recognised that from time-to-time there will be occasions when issues arise between members of the community, i.e. staff, students, parents and the wider community. The Complaints and Grievance Policy seeks to ensure that complaints arising from situations of conflict and disharmony among members of the school community are addressed in a fair and transparent manner to bring a favourable resolution. Parents, students and staff members have a right to raise concerns, questions or bring complaints, in relation to behaviour, practices, decisions or individuals, and to expect these matters to be addressed appropriately with objectivity and sensitivity. Westmead Christian Grammar School, as part of its obligation in relation to its duty of care to students and staff members, strives for procedural fairness and natural justice for all. Our school is committed to maintaining its bond of biblical community. Disharmony within the school community is intended to be resolved through employing biblical principles and due process.

### Biblical Principles

All issues should be dealt with in the context of Matthew 18:15. All members of the community are encouraged to remember that we all the loved creation of God and his workmanship. It is a journey that we are on, with God as the author and finisher of our faith through Jesus. All interaction should be respectful and considerate of one another (John 13:24). It is the endeavour of the school community to reflect the Lordship of Christ to the world (James 4:13-17; Ephesians 6:5-9; Colossians 3:22 – 4:1; Micah 6:8).

### Definitions

Definitions	
Formal Complaint	An official statement which expresses dissatisfaction with a particular situation.
Reportable Allegation	A reportable allegation is an allegation that an employee has engaged in conduct that may be reportable conduct.
Reportable Conduct	The Children’s Guardian Act 2019 defines reportable conduct as: <ul style="list-style-type: none"> <li>▪ A sexual offence,</li> <li>▪ Sexual Misconduct,</li> <li>▪ Ill-treatment of a child,</li> <li>▪ Neglect of a child,</li> <li>▪ An assault against a child,</li> <li>▪ An offence under s43B (failure to protect) or s316A (failure to report) of the Crimes Act 1900, and</li> <li>▪ Behaviour that causes significant emotional or psychological harm to a child.</li> </ul>
Reportable Conviction	A finding of reportable conduct is a sustaining finding, which requires evidence supporting that the conduct occurred on the balance of probabilities and a reportable conviction (includes a finding of guilt without the court proceeding to a conviction, in NSW or elsewhere, of an offence involving reportable conduct).

NB: The Reportable Conduct Scheme is an allegation-based scheme. The threshold for making a notification to the Office of the Children’s Guardian is that a reportable allegation has been made – that is, there is an allegation that an employee has engaged in conduct that may be reportable conduct or that they are the subject of a conviction that is considered a reportable conviction. ‘Reportable conduct’ means certain defined conduct (see above). A finding of reportable conduct is a sustained finding, which requires evidence supporting that the conduct occurred on the balance of probabilities and that it constitutes reportable conduct (or a reportable conviction). The threshold for making a notification of a reportable allegation is therefore lower than the threshold for making a finding of reportable conduct.

### Procedures

#### Minor Complaints and Grievances

All matters of relatively minor concern should be initially directed to the person the grievance is with. If the issue is between a classroom teacher and a student or parent, an appointment should be made through the office. The Chaplain can be called upon to mediate where necessary. Matters considered more serious in nature should be referred directly to the Principal or Deputy Principal. Appointments should be made through the office so that adequate time can be allocated. All concerns will be treated fairly and sensitively.

Where there are perceived issues between parents or students, the school should be made aware of the situation, allowing for mediation to occur to strive for an outcome which is fair and sensitive to all involved.

Issues which arise between teaching staff should be first dealt with between the teachers themselves. If this does not appear to resolve the situation, mediation through the Deputy Principal or the Principal can be arranged. Should this issue be of a serious nature, a Board panel or sub-committee may be formed.

Should an issue arise between the Principal and another staff member or member of the wider school community, attempts should be made to resolve the situation. If this is not possible, through failure to resolve or the serious nature of the dispute, a Board panel or sub-committee may be formed.

It is requested of all members of the school community that issues which do arise not be openly discussed with other parties in order to promote peace throughout the community.

Where there are perceived issues arising between one parent and another parent, resulting from an issue between students, parents should leave the matter for the school to address. Phone calls between parents or students are discouraged, so as not to exacerbate the problem. Issues of concern relating to parents and the school should not be discussed publicly. Students should be encouraged to discuss the issue with the staff member concerned, as appropriate. Should conflict persist, the Principal or Deputy Principal may be called upon to arbitrate.

### **Formal Complaints and Reportable Conduct**

The following principles and procedures will be employed when dealing with formal conflict:

1. Allegations are to be stated clearly in writing, and addressed, as follows:
  - a) If a matter is brought against the Principal, then the complaint must be addressed to the School Board.
  - b) If a matter is brought against a staff member, then the complaint must be addressed to the Principal.
2. If a complaint is brought to the Principal against a staff member, and fails to be resolved, then the Principal and affected staff member(s) must elect to refer the matter to either:
  - a) The School Board, or,
  - b) An appointed Agent who acts independently of the School Board. (*Details of the appointed Agent will be provided to staff members by the Principal, as the need arises*).
3. Should the appointed Agent be unsuccessful in resolving the conflict, then the matter is to be heard by the School Board.
4. Affected party(s) must be made aware of allegations by the Principal, the nominated Agent, or the School Board, unless disclosure would relate negatively to a potential risk of significant harm or child protection.
5. There is a presumption of innocence until guilt is determined.
6. Strict confidentiality needs to be maintained at all times.
7. The Board Chairman will be made aware of the nature of the grievance in serious matters. Other agencies including AISNSW, Police, Office of the Children's Guardian, Workcover, will be informed as appropriate. The school administration will cooperate fully with government departments and other agencies in the resolution of grievances.
8. An opportunity for response by the affected party(s) is granted.
9. Evidence will be collected impartially.
10. Processes will take into consideration school policies and appropriate government legislation.
11. Witnesses are permitted to be present at formal meetings, where appropriate.
12. Minutes must be kept of all formal meetings.
13. Conclusions will be made as quickly as possible after weighing up all evidence.
14. Affected party(s) will be made aware of the result of the investigation as soon as possible.
15. At any stage in the conflict-resolution process, staff member(s) may seek the school Chaplain's support for prayer regarding the matter.

NB: The Complaints and Grievance Policy should be read in conjunction with the school's Code of Conduct.

### **Allegations of Reportable Conduct or Misconduct by Employees (including volunteers)**

- Upon receipt of allegations of misconduct or reportable conduct by employees (including volunteers), formal investigation procedures will be followed. Procedures for handling allegations of staff (including volunteers), will be published on the website ([www.wcgs.nsw.edu.au](http://www.wcgs.nsw.edu.au))
- All members of staff are required to report to the Principal any allegation of reportable conduct against a fellow employee of the school, including a volunteer. You are required by law to report any of the following allegations:
  - Assault, including sexual assault
  - Ill treatment, or neglect of a child
  - Exposing or subjecting a child to behaviour that psychologically harms the child
  - Concerning all the above, whether or not, in any case, with the consent of the child
- The allegation must describe behaviour that may constitute reportable conduct towards a person under the age of 18 at the time of the alleged offence or behaviour that may constitute reportable conduct.
- The Principal is similarly to be informed if a staff member becomes aware of allegations against another staff member (including volunteers) by a parent, student or other member of the wider community.
- Any allegations against a fellow staff member are to be kept strictly confidential. Protection at law may be lost if strict confidentiality is not maintained.
- The Principal will interview the person bringing the allegation.



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- Information must be given accurately, truthfully, fairly and discretely. There are serious consequences for making false allegations.
- A written record of this interview will be prepared and filed at the school.
- The Principal will contact the Office of the Children’s Guardian, parents, police and DCJ, as appropriate. The person bringing the allegation may be required to assist the Principal to complete the official notification to the Office of the Children’s Guardian.
- The person who is the subject of any allegation should (after the Principal has had discussions with appropriate authorities:
  - Be informed of the substance of the allegation within a reasonable time period, providing that the initial investigation is not compromised.
  - Be informed of the substance of any adverse comments that may be included in a report rising out of any such investigation.
  - Be made aware that they will have an opportunity to put their case, either verbally or in writing to the person carrying out the investigation.
  - Be advised of the right to make a complaint to the Office of the Children’s Guardian, if the staff member is not satisfied with the way the investigation has been handled.
- The Principal will make sure that the victim, parents and alleged perpetrator are receiving appropriate counsel and support.
- The Principal will correspond with any stakeholder who makes a complaint against a staff member in relation to the misconduct or reportable conduct.
- The Principal will make the Complaints, Appeals and Grievances policy available to all members of the community, which outlines guidelines and expectations regarding allegations of misconduct and reportable conduct.
- Procedural fairness in dealing with child abuse investigations should be maintained at all times, through
  - Ensuring the rights of the person who is the subject of the investigation are maintained. In this respect, the following protocols will apply:
    - Strict confidentiality will be maintained, at all times.
    - The investigator will act impartially, fairly and reasonably in all investigations.
    - The subject of allegation will be informed of the substance of any allegations made against them and will be given reasonable opportunity to present their version of events.
    - Steps will be taken to protect the person who made the allegation, at all times.
    - All reasonable enquiries will be made before making a decision.
    - No person will decide a case to which they have a conflict of interest.
    - The investigation will be conducted without due delay.

### Record Keeping

- All information gained during the investigation (e.g. meetings, contacts, discussions) will be recorded.
- Information regarding notifications to the Office of the Children’s Guardian will be kept in a secure location under the direction of the Principal. The Principal may make records available to other appropriate people where necessary.
- All staff will be required to complete and sign a *Working with Children Check* form, every year.