



Grievance (Student/Parent/Caregiver) Procedure

Category	Procedure
Intended Audience	All Staff, parents, caregivers, students
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Grievance (Student/Parent/Caregiver) Procedure

1. Purpose

To state a clear and fair process for students or parents to raise a grievance, and to identify the member of staff responsible for settling the grievance.

2. Scope

The procedure described in this document applies to students of the New England Girls' School and is designed for the settlement of grievances. A grievance may include a student against student or student against staff member. This procedure does not apply if the subject of the grievance relates to:

- (a) a matter covered by an alternative formal review, appeal, grievance or other dispute settling procedures, nor to the outcome of a merit-based selection process
- (b) a decision of the New England Girls' School Board
- (c) the content of approved policies of the New England Girls' School
- (d) decisions of the Principal or any Review or Appeal Committee which are stipulated as final in New England Girls' School policy or Enterprise Agreement clauses
- (e) improper conduct by staff as defined in the *Whistleblower's Protection Act 2001*.

3. Definitions

Complainant: the student or parent lodging the grievance.

Grievance: behaviour or action of another student/s or member/s of staff, which has or is likely to have an unreasonable negative impact on the student in relation to their studies and/or their wellbeing.

Investigator: means an impartial person appointed by the Principal to conduct an investigation into the substance of the grievance who may be external or internal to the New England Girls' School and shall not have any prior involvement in the subject matter of the grievance.

Party: means the Complainant and/or Respondent.

Principles of Natural Justice: general procedural fairness in the handling of a grievance that involves all of the following elements:

- (a) the right to a fair hearing
- (b) the right to attend hearings with a friend or support person, if required
- (c) the opportunity for all parties involved to be heard
- (d) the respondent having full knowledge of the nature and substance of the grievance

- (e) the complainant not determining the outcome, but may be a party to it
- (f) the right to an independent, unbiased decision-maker
- (g) a final decision that is based solely on the relevant evidence

Respondent: the staff member, student or parent against whom the grievance has been lodged.

Senior Management: the Principal, Deputy Principal, Business Manager, Dean of Students, Accountant, Director of Studies, Head of Junior School and Head of Boarding.

Staff member: any person who is an employee of the New England Girls' School at the time of the grievance. This includes full-time, part-time and casual staff.

Student: any person enrolled as a student of the New England Girls' School. This includes full-time, part-time, day or boarding students.

Parent/Caregiver: any person who has a son/daughter currently enrolled at New England Girls' School/St John's Co-educational Junior School.

Supervisor: normally the management position to which the staff member reports. However, this position must be no less than a Head of Department, Manager or Director.

Support person: means an observer who accompanies the complainant or respondent during the Informal or Formal Procedure.

4. Actions

A. Preliminary Action

- A1. Before initiating the following procedures, complainants are encouraged to try to settle any grievance directly with the person(s) concerned.
- A2. A complainant should raise their grievance with the respondent as early as possible.
- A3. At any time while trying to settle the grievance, a complainant or respondent may consult confidentially with anyone they choose, including their parents, the Dean of Students, or the Student Grievance Officer (appointed by the Principal as required).

B. Informal Procedure

- B1. The informal procedure for the settlement of grievances will not normally be invoked unless the Complainant has attempted to settle the grievance directly with the respondent as outlined in the Preliminary Action above.
- B2. A complainant may refer the grievance to a relevant Student Grievance Officer for settlement of the grievance.
- B3. To commence the Informal Procedure the complainant must provide in writing to the Student Grievance Officer (preferably on the official Grievance Lodgement Form):
 - a clear statement of the grievance, including the parties to the grievance;
 - a process for trying to settle the grievance, which will be considered by the Student Grievance Officer;

- a suggested solution which the complainant believes would settle the grievance. An appropriate solution will focus on achieving a productive study environment or relationship, rather than apportioning blame.

B4. Within 10 working days of receiving the notification of the student grievance the Student Grievance Officer will determine whether the subject matter, prima facie, falls within the definition of a grievance.

Where it is determined that the subject matter falls within the definition, the Student Grievance Officer will:

- (a) gather such other information as required to assist with the settlement of the grievance, including providing the respondent with the statement of the grievance and the opportunity to respond; and
- (b) attempt to settle the grievance by using the process outlined by the complainant for settlement (if appropriate) or through discussion; or arranging counselling; mediation and/or conciliation (“the Informal procedure”).

Where it is determined that the subject matter of the grievance falls outside the definition of a grievance, the Student Grievance Officer will advise the complainant accordingly. The Student Grievance Officer may dismiss a grievance if in the Student Grievance Officer’s view the grievance is ill-advised, misguided, frivolous, malicious or vexatious.

B5. After the conclusion of the Informal Procedure, the Student Grievance Officer will write to both the complainant and respondent indicating the outcome of the process and specifying any action that has been agreed by the parties as part of that process.

C. Formal Procedure

The formal procedure for the settlement of grievances will not normally be invoked unless the matter has been first referred for settlement under the Informal Procedure.

- C1. If settlement of the grievance has not been achieved for any reason, including as a result of a determination by the Student Grievance Officer that the subject matter falls outside the definition of a grievance or as a result of the grievance being dismissed under the Informal Procedure, a party may seek settlement of the grievance through the Formal Procedure. The Formal Procedure will normally be invoked within five working days of the Student Grievance Officer notifying the parties of the outcome of the Informal Procedure or from the date of the conclusion of the unsuccessful mediation and/or conciliation.
- C2. A formal grievance may only be commenced by lodging a Grievance Lodgement Form, with the New England Girls’ School’s Deputy Principal.
- C3. Within twenty working days of receipt of the Grievance Lodgement Form the Principal must appoint an Investigator to hear the grievance.
- C4. The Investigator will, within twenty working days of appointment:

- (a) interview both the complainant and respondent and such other persons or seek any further information the Investigator considers necessary and will conduct any investigation in accordance with Principles of Natural Justice;
- (b) determine whether the grievance is justified; and
- (c) recommend to the Principal appropriate action, which may include: counselling for either or both parties; arranging for conciliation of the grievance; recommending disciplinary action; or that no further action be taken.

If, in the Investigator's view, the grievance is ill-advised, misguided, frivolous, malicious or vexatious, the Principal will advise the complainant, and where appropriate other parties, in writing of this finding and the reasons for the finding and where appropriate take action in accordance with relevant student discipline provisions against the complainant.

C5. On receipt of the Investigator's report, the Principal will:

- (a) take such action as the Principal deems appropriate; and
- (b) notify in writing both the complainant and respondent of the outcome of the process, the reasons for the decision and specify any action to be taken.

C6. The decision of the Principal is the final step in the grievance process and is not open to challenge via any other dispute settling procedures of the New England Girls' School.

D. Senior Management

D1. If a grievance is against a member of the New England Girls' School's Senior Management, the matter will be taken directly to the New England Girls' School Principal who will refer the matter to the Chairperson of the Board.

D2. The Chairperson of the Board, after consultation with the Principal, will have discretion as to the appropriate procedure to be used in determining whether a grievance has substance and the appropriate process within the spirit of this procedure for settling the complaint.

E. Right to an Advocate

All students, parents or caregivers have the right to a Support Person during the Informal and Formal Procedure. A Support Person is only an observer who shall not speak unless invited by the individual responsible for conducting the Informal or Formal Procedure. Students enrolled as international students for the New England Girls' School, or domestic students whose capacity for self-advocacy is impaired because of disability, have the right to a non-legally trained Advocate of their choosing during the Informal and Formal Procedure. An Advocate may represent the case on behalf of these students.

F. Confidentiality

All persons associated with the informal and formal procedures should maintain confidentiality and only discuss the grievance with those who have responsibility for dealing with the grievance.

G. External Agencies

Complaints about administrative actions and decisions of the New England Girls' School can be made to the NSW Ombudsman. The Ombudsman is, generally, the office of last resort. If you have not followed the steps laid down in the relevant New England Girls' School procedures, the Ombudsman may ask you to do so before accepting your complaint.

5. Responsibilities

All students, parents and caregivers are expected to conduct themselves in a manner which respects the rights and welfare of other members of the New England Girls' School and to show competence, care, good faith and compliance with instructions, policies and procedures in the performance of their duties.

Supervisors are responsible for trying to prevent problems and settling grievances in the workplace.

It is the **complainant's** responsibility to raise the issue(s) of the grievance as soon as possible with the other party/parties and agree to be involved in settling the issue(s) prior to making a formal complaint.

The **New England Girls' School's Deputy Principal** is responsible for providing procedural guidance to all parties in the Formal Procedure stage of the Procedure.

The **Principal** is responsible for the provision of advice and promulgation of this Procedure.

The **Principal** has overall responsibility for the implementation and review of this Procedure.

8. Forms/Record Keeping

A brief summary of the grievance along with an account of the informal and formal process (if any) and the settlement shall be recorded in a confidential file to be held by the New England Girls' School's legal office. If the grievance is taken outside the New England Girls' School, this record may be used to demonstrate what steps were taken to settle the grievance.