



POLICY	PROCEDURE
Policy Name	Complaints and Grievance Resolution Policy
NESA Policy Category	Safe and Supportive Environment (3.6) Policies and Procedures in place that Provide for Student Welfare (3.6.2)
Related Procedures	Complaints and Grievance Handling and Resolution Procedure Complaints or Allegations of Staff Misconduct Procedure
Related Policies and Legislation	Education Act 1990
Date of Issue / Last Revision	12 August 2016 10 March 2017 – Re-formatted 8 February 2019
Date Set for Review	February 2021

Complaints and Grievance Resolution Policy

The Central Coast Montessori Primary School (CCMPS) acknowledges that complaints and/or grievances may arise from time to time and that it is important that they are not ignored. An unexpressed or unresolved grievance can often escalate unnecessarily.

CCMPS, in partnership with parents, particularly places importance on addressing complaints or allegations of staff misconduct or reportable conduct promptly.

It is a fundamental right of everyone part of the CCMPS community to feel safe. It is the responsibility of all staff, students, parent/guardians to ensure that CCMPS is a safe learning environment for everyone.

Definition of Procedural Fairness

As per the requirements of the Education Act 1990, CCMPS policies and procedures related to the *complaints or grievances*, with specific reference to processes for raising and responding to matters of concern identified by students and/or parents are based on procedural fairness.

Procedural fairness is a basic right of all when dealing with authorities. Procedural fairness, as defined in the *Registered and Accredited Individual Non-government Schools (NSW) Manual (December 2017)*, refers to what sometimes is 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;

The review mechanism adds to the fairness of the process.



POLICY	PROCEDURE
Procedure Name	Complaints and Grievance Handling and Resolution Procedure
Related Policy	Complaints and Grievance Resolution Policy
Policy Category	Safe and Supportive Environment (3.6) Policies and Procedures in place that Provide for Student Welfare (3.6.2)
Related Procedures	Complaints or Allegations of Staff Misconduct Procedure CCMPS Complaint of Staff Misconduct Procedure Diagram CCMPS Code of Conduct for Staff
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Complaints and Grievance Handling and Resolution Procedure

The Central Coast Montessori Primary School (CCMPS) acknowledges that complaints and/or grievances may arise from time to time and that it is important that they are not ignored. An unexpressed or unresolved grievance can often escalate unnecessarily.

The following procedures are designed to ensure that:

- Parents, Class Guides and staff are supported and informed by the appropriate people when a grievance arises.
- Issues are dealt with in a professional manner to the best advantage of the child and school.
- The best possible outcome is achieved for the party who is most likely to lose out in any disagreement: the child.

Meeting Summary

In the following procedures wherever it says that a summary of the meeting is made, the summary should at least contain the following:

- A brief description of the disagreement.
- The decisions that are made at the meeting.
- Any further actions expected to be taken.
- If the disagreement is satisfactorily resolved the summary should clearly state this.
- If the disagreement was not resolved an expected time in which to follow-up is set.
- The date of the meeting.
- The signatures of the people involved confirming that the summary is a true.
- Representation of the meeting.

The *Meeting Summary Form* (Student Welfare Appendix A) is kept in the students file and a copy is kept in the file of the Principal.

Complaints and Grievance Handling and Resolution Procedure (continued):

Procedural Fairness

Grievance will be handled in an unbiased manner and taking into account the *Procedural Fairness Guidelines* (Student Welfare Appendix B).

Disagreement between a Parent and a Class Guide/Classroom Assistant*

1. The parent should discuss the disagreement with the Class Guide in a meeting held specifically for that purpose. If the disagreement involves a Classroom Assistant, then he/she should attend this meeting as well. The Class Guide makes a summary of the meeting.
2. If either the parent or the Class Guide is unhappy with the outcome of the first meeting, the Class Guide or the parent asks the Principal to sit in on a second meeting. The role of the Principal will be to try to resolve the disagreement in the child's and the school's best interest. The Principal will make a summary of the meeting.
3. In the event that the parent is still unhappy with the complaint/grievance handling, they should raise the matter in writing addressed to the Principal. The Principal will request the Administrative Manager or mediator to attend along with the parents to help them resolve the matter. Copies of the letter and any comments from the Principal will be filed in the students file and Principal's file.
4. If the matter is resolved the Principal will report that a grievance was addressed and resolved. If the matter is not resolved, then the Principal will bring the matter to the School Board's attention and the School Board will need to decide how to resolve the matter and record this at the next meeting. The minutes of this School Board meeting will be filed in the student's file and the Principal's file. The Principal will notify the parent(s) of the decision of the School Board.
5. The decision of the School Board is final and the contractual agreements between the parent(s) and the School are honoured.

Disagreement between a Parent and a Member of the Administration Staff*

1. The parent should discuss the disagreement with the staff member in a meeting held specifically for that purpose. The staff member makes a summary of the meeting.
2. If either the parent or the staff member is unhappy with the outcome of the first meeting, the staff member or the parent requests that the Principal attends a second meeting. The role of the principal will be to try to resolve the disagreement in the best interest of both parties. The Principal will make a summary of the meeting.
3. In the event that the parent is still unhappy with the complaint/grievance, they should raise the matter in writing addressed to the Principal. The Principal will request for the Administrative Manager or mediator to attend the next meeting to assist in resolving the matter. Copies of the letter and any comments from the Principal will be filed in the students file and Principal's file.
4. If the matter is resolved the Principal will report that a grievance was addressed and resolved. If the matter is not resolved, then the Principal will bring the matter to the School Board's attention and the School Board will need to decide how to resolve the matter and record this at the next meeting. The minutes of this School Board meeting will be filed in the student's file and the Principal's file. The Principal will notify the parent(s) of the decision of the School Board.
5. The decision of the School Board is final and the contractual agreements between the Parent(s) and the School are honoured.

Disagreement between Staff Members*

1. The staff members should discuss the issue in a meeting held specifically for that purpose. A staff member makes a summary of meeting.
2. If either staff member is unhappy with the outcome of the first meeting, they will ask the Principal to sit in on a second meeting. The role of the Principal will be to try to resolve the disagreement in the parties' best interest. The Principal will make a summary of the meeting.
3. In the event that either staff member is still unhappy with the complaint/grievance, they should raise the matter in writing addressed to the Principal. The Principal will request that the

Complaints and Grievance Handling and Resolution Procedure (continued):

Administrative Manager or mediator attend along with the staff members to assist in resolving the matter. Copies of the letter and any comments from the Principal will be filed in the students file and in the Principal's file.

4. If the matter is resolved the Principal will report that a grievance was addressed and resolved. If the matter is not resolved, then the Principal will bring the matter to the School Board's attention and the School Board will assist in finding a solution. The minutes of this School Board meeting will be filed in the file of the staff members and the file of the Principal. The Principal will notify the staff members of the decision of the School Board.
5. The decision of the School Board is final and the contractual agreements between the staff and the School are honoured.

*For complaints or allegations regarding staff misconduct or reportable conduct please refer to additional procedures as outlined in the Complaints or Allegations of Staff Misconduct Procedure and Diagram.

Considerations

It is important to keep good documentation for the following reasons:

- People often have different recollections of discussions and meetings.
- If there is a change of staff, the new staff member must be able to see the history of an unresolved dispute.

In points 1, 2 & 3 for each of the disagreement procedures there is a lot of duplication of information. This is done to prevent too many exceptions in the list of points to go through. Once it is determined who the dispute is between the list of points can be followed without exceptions.

Access of Documented Information/Meeting Summaries

All the documentation that is produced while resolving a disagreement is kept in the student's file/staff members file as well as in the file of the Principal. Because these documents can contain confidential material these files should not be accessible to everyone.

The students file may only be accessed by:

- The Principal
- The Class Guide of the class the child currently attends can get access after asking the Principal.
- The parents of the child can get access after asking the Principal.
- The Principal and the parents together can give someone else permission to look in the file.

The staff members file may only be accessed by:

- The Principal
- The staff member who the file concerns after asking the Principal.
- The Business Manager can get access after asking the Principal.
- The Principal and the staff member together can give someone else permission to look in the file concerning the staff member.

The file of the Principal may only be accessed by:

- The Principal
- The staff member who the file concerns after asking the Principal.
- The Principal and the staff member together can give someone else permission to look in the file concerning the staff member.

*Student Welfare Appendix A: Meeting Summary Form

*Student Welfare Appendix B: Procedural Fairness Guidelines



Meeting Summary Form

Date:

Time:

Meeting Called by:

Attended By:

Issue:

Content:

Outcome/Action:

Follow-up:

Signed by:

Parent/Professional

Staff



Procedural Fairness Guidelines

Procedural fairness must be observed in all aspects of complaints and grievance handling process. In practice procedural fairness involves:

- ensuring that there is proper investigation of the facts;
- informing relevant parties of any allegations made against them, as appropriate;
- ensuring that all parties are informed of the procedures under which the complaints/grievance is handled and are given a copy of the relevant policy and guidelines;
- ensuring that all parties are heard and those who have had complaints made against them are;
- given an opportunity to respond;
- ensuring that all relevant submissions and any mitigating factors are given due and proper consideration before any conclusions are reached or any action is taken;
- advising all parties that if the complaint/grievance is of such a serious nature that disciplinary action may result, then the facts revealed during an investigation into the complaint/grievance may be used in any subsequent disciplinary proceedings;
- impartiality on the part of the investigator and/or decision, which means the investigator/decision maker must exclude themselves if there is any bias or conflict of interest.

These procedures usually require that the person raising a grievance must be willing to be identified, unless the facts of the matter are not in dispute, or the matter involves allegations of corruption, maladministration or serious waste or child abuse. If in doubt about the requirements of procedural fairness, advice should be sought from the Principal.

On any occasion when the complaint/grievance is to be discussed, staff (both grievant and/or respondent) may choose to be accompanied by a colleague from the School.

If the allegations have been made in writing, a copy will be given to the parties against whom the allegations have been made (unless the allegations relate to corruption, maladministration and serious waste or child abuse where legislation provides otherwise).



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Date of Issue / Last Revision	8 February 2019	
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Complaints or Allegations of Staff Misconduct Procedure

The Central Coast Montessori Primary School (CCMPS), in partnership with parents' places importance on addressing complaints or allegations of staff misconduct or reportable conduct promptly. CCMPS expects its staff to behave professionally and uphold the School's mission, values and code of conduct for all staff in undertaking their duties. Cases of alleged misconduct or serious misconduct by a staff member will be dealt with seriously, promptly, in line with natural justice and procedural fairness principles.

It is a fundamental right of everyone part of the CCMPS community to feel safe. It is the responsibility of all staff, students, parent/guardians to ensure that CCMPS is a safe learning environment for everyone.

Misconduct

Behaviour amounting to misconduct includes, but not limited to, the following:

- failing to obey lawful and reasonable instruction of CCMPS;
- failing to follow defined policies, procedures, rules;
- failing to share relevant information with CCMPS;
- unacceptable disruptive behaviour;
- unauthorised absence from the workplace; and
- repeatedly being late for work without lawful excuse.

Serious Misconduct

Whether misconduct amounts to serious misconduct depends on the particular circumstances of a given situation. The Principal should consider the circumstances fully as they apply to the particular staff member when determining whether or not the staff member has engaged in conduct that could be considered serious misconduct.

Behaviour amounting to serious misconduct includes, but not limited to:

- willful or deliberate behaviour that is inconsistent with the employee's contract of employment;
- theft;
- fraud;
- assault;
- intoxication at work;

Complaints or Allegations of Staff Misconduct Procedure (continued):

- use of derogatory, violent or abusive language;
- fighting;
- failure to observe safety rules;
- dishonesty in the course of employment; and
- criminal conduct including conduct that, if proven, renders the staff member completely unfit for work.

Action to Address Misconduct

Where the School becomes aware of behaviour of a staff member which may constitute misconduct or serious misconduct, the Principal may undertake preliminary inquiries and/or discuss the matter with the staff member.

If, following preliminary inquiries and/or discussions with the staff member the Principal reasonably forms a view that the behaviour of the staff member is not acceptable, the Principal may implement one or more of the following options:

1. Counsel the staff member on the nature of improvement required and the time within which reasonable improvement is expected and how the staff member's behaviour and/or interaction with colleagues and stakeholders will be addressed.
and/or
2. Refer the matter to the relevant Governing body/Reporting Agency for consideration of potential disciplinary action through.

Where the Principal Decides to Council the Staff Member

If the Principal decides to council the staff member and, at the specified review period, the staff member's behaviour has improved to the required standard, the Principal will advise the staff member that no further action will be taken. If at the end of the specified review period, the staff members behaviour has not improved to the required standard, the Principal will inform the staff member of referral of the matter to the relevant Governing body/Reporting Agency.

Investigation of Misconduct/Serious Misconduct

The School may instigate an investigative process that might give rise to disciplinary action for misconduct or serious misconduct where it appears that a staff member may have committed a breach of the law or a serious breach of CCMPs policy.

Throughout the proceedings associated with misconduct or serious is conduct a staff member may choose to be assisted by a person of their choice. The person who is providing assistance by undertake the role of a support person. The role of the support person is to provide moral and practical support to the staff member, but not to act as their advocate.

The Principal may at any time suspend a staff member with or without pay, if the Principal is of the view that the alleged misconduct or serious misconduct warrants investigation and/or action.

Pending the finalisation of the School's website, currently *The Complaints or Allegations of Staff Misconduct Procedure* and the *CCMPS Complaint of Staff Misconduct Diagram* (Student Welfare Appendix C) are both available to be accessed and viewed in the CCMPS Administration Office.