



Arthur Phillip High School

Complaints Handling Policy

2018

Latest Revision

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Rationale

Arthur Phillip High School seeks to resolve difficulties, grievances and complaints in a prompt, impartial and just manner.

While most complaints should be resolved informally with the school, there are provisions for the use of formal procedures depending on the nature and seriousness of the complaint.

- A complaint can be about:
 - any aspect of the service provided, or not provided,
 - the behaviour or decisions of staff, or
 - practices, policies or procedures.
- Any person can make a complaint, including a student, parent or caregiver, a community member who uses the services of the school, any employee, contractor or volunteer in a location where school services are provided.
- The complaint can be made orally or in writing.
- A complaint can be received by any staff member. In general, the complaint should be made where the problem occurred (e.g. the faculty).
- The staff member who receives a complaint will need to determine, applying these guidelines, whether it is a matter that can be resolved informally or whether it should be referred to a supervisor, principal or manager.
- Minor complaints should be resolved informally if possible and without delay.
- obtaining an accurate record of student attendance at alternative placements

Complaints Handling Policy Guidelines

These guidelines provide information for handling complaints, how to deal with a complaint and how to support persons involved. An informal resolution should be sought for complaints assessed as less serious should be attempted in the first instance. A more formal resolution process may be sought if the complaint falls into one of the following areas:

- School program or management reviews
- Staff promotion appeals

Informal Resolution

Informal resolution should be used to resolve any matter which is not identified as a special case and which is assessed as "less serious," such as minor complaints and disputes. There could be exceptions such as when one party is fearful or intimidated by the other party. While Head Teachers have specific responsibilities for handling and attempting to resolve such matters, the complainant and the respondent also have a responsibility to resolve the problem and to seek and accept realistic outcomes.

In accordance with the Department's Code of Conduct which clarifies the standards of behaviour that are expected of employees in the performance of their duties, employees have a responsibility to foster harmonious and productive workplace relations, and to take reasonable care for the health and welfare of others at their place of work. Therefore, there is an expectation that employees will resolve their differences amicably.

For informal resolution to succeed, both parties need to be prepared to recognise that there is a problem. Both parties need to be prepared to be conciliatory and recognize that resolution may require compromise on both sides. A mediation service might be considered. This can be discussed with the Principal or delegate.

The procedure that is suggested is that the parties be provided the opportunity to:

- state the cause of their concern
- exchange facts and beliefs
- clarify events
- listen
- apologise for any behaviour that may have distressed the other party
- explain their point of view
- consider the other person's point of view
- recognise that this is an opportunity to change behaviour that is perceived as unsuitable, or is hurtful to another.

In such instances, a written record should be made of the issue and action. If this does not succeed, then the formal process negotiation may be used.

As per the DoE Complaints Handling Procedure, It is important for staff to note that:

1.3

Wherever possible, staff should attempt to directly resolve an issue or complaint raised by a member of the school community, a consumer, or other person by providing feedback or relevant information. Staff should also attempt to resolve issues and concerns with other staff, face to face.

1.4

If a complaint cannot be resolved directly or face to face, it should be referred to the principal or immediate workplace manager. If the complaint is about the principal or workplace manager, it should be referred to their supervisor. Any formal complaint by a staff member about another staff member should be made in writing. All staff involved in a complaint must keep information confidential and only discuss the issues raised by the complaint on a 'need to know' basis. Staff who raise a complaint must not be subjected to reprisal action.

1.5

The principal or workplace manager will appoint a 'complaint manager' to manage the complaint process. The complaint manager should gather information, assess the issues raised by the complaint and consider reasonable outcomes.

Assessing a Complaint: Assessing Seriousness

If the matter has not been identified as a special case requiring referral, a decision needs to be made as to whether or not the matter is serious.

In assessing the seriousness of a complaint:

A matter is considered less serious if it involved a minor breach or complaint and was not seen to be part of a pattern of conduct that would lead to disciplinary/remedial action. A serious breach is one which, if proven, could amount to serious misconduct under the Code of Conduct and could include:

- a breach of legislation, policy, procedure or contract likely to lead to disciplinary/remedial action, or
- conduct of a criminal nature.

If assistance is needed to decide whether or not a complaint is “serious”, advice should be sought from a supervisor. Support is also available from the Staff Efficiency and Conduct Team or from an Employee Performance and Conduct Duty Investigator, on telephone (02) 9266 8070.

Assessment of complaints is to be documented and decisions not to act on a complaint must be recorded.

As per the DoE Complaints Handling Procedure, It is important for staff to note that:

1.6

Some complaints are not dealt with by the Department. Where there is a risk of significant harm to a student, the matter must be referred to the Child Protection Helpline as advised by the Mandatory Reporter Guide.

Allegations of criminal conduct must be referred to NSW Police.

Complainant’s Expectations

A person making a complaint will have expectations as to how the complaint will be handled and may require assistance in making the complaint.

To manage complainant expectations, the recipient of the complaint should:

- explain the complaint handling process to the complainant
- if the matter is to be referred, explain why and to whom
- confirm with them that their complaint has been fully understood and ask them what outcome they are seeking
- outline the possible outcomes, including whether or not the outcome being sought is reasonable
- provide realistic timeframes for dealing with the matter
- ensure that any promises made are followed through.

At times, managers will be confronted with complainants who are very challenging

Resolution

It is important that issues are dealt with objectively and with understanding and compassion. At Arthur Phillip High School, staff morale and wellbeing is of paramount importance. All complaints/issues should be dealt with at a very early stage prior to it escalating. Complaints/issues should be resolved at an informal level whenever possible.

Note Keeping

All notes, including minutes of meetings must be kept. Entries should be concise and only state the facts.

Advice should always be sought by a delegate:

- If Deputy Principal from Principal
- If Principal from the Director Schools

A diary note entry should be kept indicating that advice was sought. The date, time and advice given should also be indicated.

Attempting Resolution

Except if the matter is serious and warrants investigation, attempts should be made to resolve the problem before lodging a complaint. Prior to making a complaint the person should raise their concern with the relevant staff member at an appropriate time and place and seek resolution. In the case of schools, an appointment should be made with the relevant staff member through the school office.

Note to Staff

These procedures are to be used to resolve complaints by staff about other staff. Whilst line managers have specific responsibilities for handling and attempting to resolve staff complaints, it is emphasised that the complainant and the respondent also have a responsibility to resolve the problem and to seek and accept realistic outcomes.

Staff have a responsibility to foster harmonious and productive workplace relations and to take reasonable care for the health and welfare of others at their place of work. Therefore staff should attempt to resolve their differences amicably and **only if they cannot achieve this should a complaint be lodged**.

Exclusions

These procedures do not apply to the following areas. However, suggestions about the policies listed below can be made using the procedures in this document.

Area	See
Counselling of staff on inappropriate behaviour which is known to the supervisor (e.g. behaviour which is affecting the proper and efficient running of the workplace or is a minor breach of the Code of Conduct which has not previously been addressed).	Advice on the counselling of staff is available in the <i>Teachers' Handbook</i> (see sections on good teaching practice and staff welfare), the <i>Personnel Handbook</i> (see sections on counselling and performance management), or from a specialist in the relevant Personnel or Human Resources section.
The management of poor staff performance and staff efficiency reviews	School teachers: Management of Conduct and Performance
Suspension and expulsion of school students	Schools: <i>"Procedures for the Suspension and</i>

and subsequent appeals	<i>Expulsion of School Students</i> – Student Discipline in Government Schools, October 2015
Reporting risk of harm concerns about children and young people not involving DoE staff or a person associated with a DoE activity	<i>“Working with Children Check Procedure”</i> April 2017
Staff Promotion appeals	School Teachers: Merit Selection Procedure 2016
Staff disciplinary appeals	School staff: contact Legal Services Staff employed under the Public Sector Management Act: <i>Personnel Handbook</i> .
Disputes lodged by unions	Refer to the relevant Industrial Relations specialists.

Inform the Complainant of the Process and Their Rights

Remedy & Systems Improvement	Negotiation	Investigation (Fact Finding)
NOT APPLICABLE	NOT APPLICABLE	Re child protection matters, the delegate is the Director, Child Protection Investigation Unit. Re all other protected disclosures, Nominated Disclosure Officers (see p14) are delegated to undertake Steps 2, 3 4 and 7 of the INVESTIGATION procedure (see p30). The Disclosures Coordinator is delegated to undertake all steps.
The person receiving the suggestion or complaint initiates the remedy and systems improvement procedure.	NOT APPLICABLE	Principal or Executive Officer refers the matter to FACs and to the Child Protection Investigation Unit. Child Protection Investigation Unit to initiate internal investigation and notify Ombudsman as required.
The person receiving the suggestion or complaint initiates the remedy and systems improvement procedure.	Principal or manager responsible for the person complained of.	Delegates who can initiate an investigation in these areas are: <ul style="list-style-type: none"> • All Institute Directors • All Directors – Director, Employee Performance and Conduct

The person receiving the suggestion or complaint initiates the remedy and systems improvement procedure.	NOT APPLICABLE	<ul style="list-style-type: none"> • Senior Manager, Serious Misconduct Investigation Team, Employee Performance and Conduct Directorate • Manager, Staff Efficiency and Conduct • Chief Information Officer – All General Managers • All Executive Directors • All Deputy Directors-General • Managing Director/Director-General
The person receiving the suggestion or complaint initiates the remedy and systems improvement procedure.	<p>Principal or manager responsible for the person complained of.</p> <p>In locations other than schools, the delegate could be the line supervisor of the person complained of.</p>	

Remedy and Systems Improvement Procedure (pp20-21)

1. Assess if Remedy and/or Systems Improvement is warranted
2. Immediate remedy – within 5 working days and notify complainant / the executive / principal of the problem and the action taken. Principal implements systems improvement.
3. If an immediate remedy is not possible – refer matter to the Principal/SED – remedy and notify complainant within 10 working days.
4. If remedy still not possible – refer matter to state-wide manager – remedy and notify complainant within 10 working days.
5. Appeal – complainant can appeal the decision or use of the procedure.

Are there any issues?

Negotiation Procedure (pp24-25)

1. Delegate’s review – check if correct process has been followed; an alternative ... mediation service might be appropriate.
2. If complaint is anonymous or complainant is anonymous or requires that their identity not be revealed to the respondent, discontinue the procedure.
3. Negotiation – notify respondent within 5 working days; obtain written response within 10 days; achieve resolution within 10 days.
4. Escalation (prior to final decision) to more senior officer – if the complainant or respondent can show that procedure is not being used correctly.
5. Decision by delegate (or person to whom the matter has been escalated) within 5 working days; document and notify parties.
6. Appeal – either party can appeal the decision or use of the procedure.

Investigation Procedure (pp30-31)

1. Delegate has received the complaint or allegation.
2. Co-ordination – if complaint has been made more than once or to more than one addressee, a co-ordinator may be required.

3. Consider previous action – check for previous action if sufficient and sound, notify complainant and close.
4. Initiate investigation – acknowledge complaint within 5 working days; assess respondents need for alternative duties; determine who should investigate.
5. If anonymous, assess if the investigation is feasible p33.
6. Investigation – identify issues; collect documents; obtain witness statements; interview respondent; prepare report.
7. Action – delegate will consider and refer recommendations; notify complainant while protecting privacy of respondent.

NOTE: Timelines here can be extended when there is a good reason.