

COMPLAINTS POLICY FOR STUDENTS, CAREGIVERS AND THE WIDER SCHOOL COMMUNITY

Attachment/s include:

Other related policies to be read in conjunction:

Behaviour Management and Support Policy
Anti-Bullying Policy
Child Protection Policy
Whistleblower Policy

Relevant government legislation impacting on policy content:

Endorsed: 29th September 2020

Revised: July 2020

INTRODUCTION

A complaint or grievance is an expression of dissatisfaction or a formal allegation raised by students and caregivers in respect of services provided by the school or against staff members, which includes employees, contractors and volunteers.

Blacktown Youth College (BYC) has in place and implements procedures whereby students, caregivers and the wider school community can raise complaints or grievances and have these responded to in a safe and supportive environment.

BYC will make every effort to

- seek a prompt resolution to complaints lodged with us.
- respond according to the principles of procedural fairness and to what is sometimes described as the 'hearing rule' and the 'right to an unbiased decision'.

Procedural fairness is a basic right of all when dealing with authorities and applies to those raising complaints and to those against whom complaints have been made.

- Only the people directly involved in investigating a complaint will have access to information about the matter.
- No records of the complaint and subsequent interviews will be kept on student files.

There are circumstances, however, when the information may not be able to be kept confidential, such as when threats are involved, or when BYC has a duty to report behaviour which may relate to child protection and/or be criminal in nature, to the appropriate authorities.

OBJECTIVES

- To ensure that complaints lodged at BYC are resolved in a prompt, fair and efficient manner.
- To promote the highest standard of professionalism in dealing with our community.

BYC believes that any person against whom an allegation has been made has the right to:

- know the allegation related to the specific matter and any other facts which could be taken into account in the consideration of the matter. Depending on the type or seriousness of the matter, this may not occur in the early stages of the investigation;
- be aware of the range of possible consequences resulting from the decisions made;
- know the process by which the matter will be considered;
- have an opportunity to respond to the allegation;
- know how to seek a review of the decisions made in response to an allegation.

The following forms the basis for students/caregivers and community to raise concerns and how the school will respond to complaints:

- Students and caregivers are entitled to raise concerns and complaints.
- BYC has a transparent and clear process which provides the framework and structure within which complaints can be raised and BYC will respond.
- All complaints are taken seriously.
- All complaints will be dealt with in a timely manner.
- BYC seeks to resolve complaints informally where possible but acknowledges that in some cases a person may wish to make a formal written complaint.
- The HOS will determine the most appropriate person for initial contact .
- All efforts are made to resolve the complaint at the most appropriate level.
- BYC will extend the same principles of procedural fairness to all students and caregivers which requires that all parties have the opportunity to have their case heard and the right to an unbiased decision.
- All complaints will be handled on a case by case basis within the context of the pressures and demands on families and BYC.
- BYC will handle all complaints with:
 - confidentiality and the same will be requested of all parties involved

- impartiality – no assumptions will be made and no action will be taken until all relevant information has been collected and considered
- freedom from repercussions:
- no action will be taken against anyone for making or helping someone to make a genuine and not a malicious or vexatious complaint
- BYC will take all reasonable steps to ensure that anyone making a complaint is not victimised.

PROCEDURES

Any allegation of reportable conduct against a school employee or volunteer will be dealt with in accordance with the BYC *Child Protection Policy*. The procedures for raising an allegation of staff misconduct or reportable conduct are described further on in this policy.

The procedures in this policy do not extend to complaints which are whistleblowing disclosures. The procedure for processing whistleblowing complaints are dealt with in the BYC *Whistleblowing Policy*.

The role of the School Board and its President is one of governance and not day-to-day school management. Complaints should not start at the BYC Board level unless the subject of the dispute is the Head of School (HOS). Only in such a situation should the matter be referred to the President of the Board who will raise the issue with the HOS directly. This must be put in writing in a sealed envelope addressed as shown below. The letter may be posted or delivered in person to the school Administration Office at either campus.

Private and Confidential

Attention: President

Blacktown Youth College

PO Box 93, Plumpton NSW 2761

Anonymous complaints will not be responded to, therefore students and caregivers with concerns must identify themselves and use the processes described so the matters they raise can be dealt with appropriately and confidentiality.

PROCEDURE FOR RAISING GENERAL COMPLAINTS

Procedures for Students

- 1) The student/s should discuss concerns with the staff member/s concerned. There should be a concerted attempt to understand each party's point of view and to mutually resolve the dispute.

- 2) If this is unsuccessful, the parties should refer the matter to the relevant member of the school leadership team as indicated:
Curriculum Matters – Campus Coordinator or Stage 6 Coordinator at the Hebersham campus and the Campus Coordinator at the Lawson campus
Pastoral Matters – Campus Coordinator or Wellbeing Coordinator at the Hebersham campus and the Campus Coordinator at the Lawson campus.
- 3) In the case of the matter not being resolved at this level, or if there are concerns about the process itself, approaches may be made to the HOS. This may be done by requesting an appointment with the HOS via the administration office, either by phone on 02 90115335 or by email at info@blacktownyouthcollege.nsw.edu.au , and the HOS will arrange a meeting with the student at their given campus.

Procedures for Caregivers and Community

- 1) Caregivers should, through the Administration Office, arrange an appointment to discuss their complaint with the staff member/s concerned.
- 2) There should be a concerted attempt to understand each other's point of view and to mutually seek to resolve the complaint.
- 3) If this is unsuccessful, the staff member and/or caregiver should refer the matter to the relevant member of the school leadership team as indicated:
Curriculum Matters – Campus Coordinator or Stage 6 Coordinator at the Hebersham campus and the Campus Coordinator at the Lawson campus
Pastoral Matters – Campus Coordinator or Wellbeing Coordinator at the Hebersham campus and the Campus Coordinator at the Lawson campus.
- 4) In the case of the matter not being resolved at this level, or if there are concerns about the process itself, approaches may be made to the HOS. This must be put in writing in a sealed envelope addressed as shown below. The letter may be posted or delivered in person to the school Administration Office at either campus.

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The HOS will arrange a meeting with the concerned parties at their given campus.

PROCEDURES FOR RESPONDING TO COMPLAINTS:

Staff Role

Upon receipt of verbal complaint the staff member will:

- listen,
- make notes
- reply that you have heard and understand the complaint and that you will “come back to” (whomever) after you have had an opportunity to fully consider the matter.

This gives staff time to reflect or refer the matter to the appropriate person [i.e. HOS, Wellbeing Coordinator or Campus Coordinator (Lawson)].

Upon receipt of any referred or written complaints, the staff member will acknowledge receipt of such immediately either via SMS, phone call, email or letter and advise that BYC will be in touch with the complainant after the matter has been considered.

Staff should not feel pressured into responding to complaints immediately and without careful consideration by the person at the most appropriate level to handle the matter.

When a complaint, made verbally or in writing, is referred to the relevant member of the school leadership team, they will determine the most appropriate person to investigate the complaint and provide them with all relevant notes/information.

Involvement of School Leadership Team in Handling a Complaint

The senior staff member will:

- talk to all parties involved in a confidential and sensitive manner.
- inform the complainant/s and the relevant parties directly involved of their right to be accompanied and assisted by a nominated support person at any relevant meetings with representatives of the school.

NOTE: BYC maintains the right to determine whether the person’s preferred support person is appropriate and may not approve the attendance of a support person where they are determined by the school to be inappropriate.

- In the case of a complainant or respondent who is not an adult, (i.e. who is not over the age of 16), the school will request that the student’s caregivers are present for any interview/meeting.
- arrange for an interpreter to be present at any meetings, if required
- contact the person/s, against whom the complaint has been made (the respondent/s) and advise them of the nature of the concern, provide them with the opportunity to respond and inform them that they have the right to have a support person present at any meetings

- conduct and document all aspects of the investigation in the Sentral database
- advise the HOS of their recommendations based on the investigation findings.

Both the complainant and the respondent may be accompanied by their support person to any meeting with school staff. At the start of any interview the support person will be advised of their role; i.e. the support person at any interviews will attend only as observers and must not contribute to discussions.

The school acknowledges the stresses faced by parties to a complaint and, if circumstances warrant, will offer access to counselling while the matter is under investigation.

If either party to a complaint is concerned that the staff member involved is incapable of handling the matter impartially, then either party, acting reasonably, can request that the HOS arrange for an alternative investigator.

Interviewing the Complainant

The investigator will:

- Contact and if required arrange a meeting with the complainant/s to obtain all details of the complaint including: who is involved, how it happened, where it happened, other contextual information and the resolution that is sought.
- At the beginning of any meeting inform the support person of their:
 - responsibilities including that they comply with BYC's confidentiality requirements
 - role as a nonverbal one except if speaking to their party.
- Explain the school's strict security arrangements for all complaint records prior to asking for a step by step account of the concerns and taking the required detailed notes.
- If the complainant/s decides to proceed, they will be advised that:
 - a full investigation will be made promptly and impartially;
 - they will not suffer any victimisation for a complaint based on genuine belief;
 - the other party or parties (the respondent/s) will be given full right of reply and will be required to not treat the complainant unfairly, or with detriment, as a result of the complaint;
- false or malicious complaints could be subject to disciplinary action.
- The investigator will keep the complainant/s informed of the progress of the process for seeking a resolution to the concern/s.

Interviewing the Respondent

The investigator will:

- Contact and if required arrange a meeting with the respondent/s. At BYC the respondent/s is required to attend an interview as a condition of enrolment or if a staff member as a condition of employment. If there is more than one respondent, the investigator will interview each respondent separately and impartially.
- At the beginning of any meeting inform the support person of their:
 - responsibilities including the requirement to comply with BYC's confidentiality requirements
 - role as a nonverbal one except if speaking to their party.
- The respondent/s will be informed of each concern and given the opportunity to respond fully.
- The investigator will keep the respondent/s informed of the progress of the process for seeking a resolution to the concern/s.

Further Action

Following the interview/meeting with each party, the investigator will:

- interview any witnesses nominated by either party;
- interview any other persons with information believed relevant to the matter;
- present their finding to the HOS to confirm any disciplinary outcomes (conciliation may be deemed an appropriate outcome);
- advise the HOS of any issues of policy, practice or training highlighted during the investigation;
- inform the parties of the findings of the investigation and any outcomes;
- invite all parties to approach with any ongoing/new concerns;
- confirm that no unnecessary matters relating to the grievance/ complaint will be retained on the BYC secure files;
- confirm that all records have been passed in confidence to the HOS or authorised delegate for secure confidential storage; and
- in consultation with the HOS put in place a process for monitoring the investigation outcomes on a regular basis

Where the complaint cannot be substantiated (i.e. it cannot be confirmed that it did happen), possible outcomes may include, but are not limited to:

- informing both parties of this and the reasons why;

- confirming that the complainant/s have the right to seek separate action;
- offering opportunities for counselling;
- giving careful consideration to establishing procedures to deal with the parties' ongoing concerns.

Where the complaint is substantiated possible outcomes may include, but are not limited to:

- asking the respondent to make either a public or private written apology;
- offering counselling to the respondent;
- payment of the complainant/s medical or counselling fees by the school may be offered;
- where the respondent is a student, they are notified verbally and/or in writing that any repetition of their behaviour may:
 - constitute grounds for disciplinary action as described in the *BYC Behaviour Management and Support Policy*;
 - result in suspension and/or expulsion where the behaviour is of a serious nature as described in the *BYC Behaviour Management and Support Policy*;
- parties will be spoken to separately and have explained to them the reasons for the decision. The parties may be asked to sign a document detailing the outcome;
- a briefing may be held on anti-discrimination laws and harassment;
- the complainant/s are advised of their right to seek separate action.
- where the respondent is an employee, they may be subject to disciplinary action.

APPEALS

Where a complaint cannot be resolved the HOS will forward the written complaint to the President of the Board.

Complainant/s or respondent/s may seek review or appeal to the School Board if the complaints handling procedure is not followed or the complainant or respondent thinks something was done improperly. This must be put in writing in a sealed envelope addressed as shown below. The letter may be posted or delivered in person to the school Administration Office at either campus.

Private and Confidential
 Attention: President
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 PO Box 93, Plumpton NSW 2761

RECORD KEEPING

No record will be retained on the student files of any party to a complaint. Notes taken during the process to seek a resolution to the complaint will be stored under careful protocols.

All confidential files relating to complaints are filed securely as a hard copy by the HOS and/or their authorised delegate. Only the HOS and/or their authorised delegate can access these secure files if necessary to address this or later concerns. As required by law and destroyed in accordance with standard BYC procedure, confidential files will be destroyed, after seven years.

PROCEDURES FOR HANDLING COMPLAINTS OF STAFF MISCONDUCT OR REPORTABLE CONDUCT

These procedures are for stakeholders including parents/caregivers to raise a complaint about staff misconduct or reportable conduct. For all other complaints the processes should be followed as described in this document at *Procedures for Raising General Complaints*.

Misconduct and/or Reportable Conduct are clearly defined in BYC *Child Protection Policy* and stakeholders are encouraged to refer to the policy to clarify these terms. This policy is available on request from the HOS or President of the Board.

Notification of a Staff Misconduct or Reportable Conduct Complaint

All staff misconduct or reportable conduct complaints must be formally reported to the HOS as soon as possible. This must be put in writing in a sealed envelope addressed as shown below. The letter may be posted or delivered in person to the school Administration Office at either campus.

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Head of School
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If the complaint is about the HOS, or there is an obvious conflict of interest, the complaint must be put in writing to the President of the Board and enclosed in a sealed envelope addressed as below. The letter may be posted or delivered in person to the school Administration Office.

Private and Confidential
President of the Board
Blacktown Youth College
PO Box 93, Plumpton NSW 2761.

All misconduct and reportable conduct complaints will be handled with confidentiality by the school and the same will be requested of all parties involved.

Handling of a Staff Misconduct or Reportable Conduct Complaint

The HOS or President of the Board will as soon as possible after the information has been disclosed:

- consider the complaint to determine how the complaint will be responded to
- contact AISNSW for advice,
- make an initial assessment of situation that may necessitate a suspension pending further investigation,
- engage a trained Child Protection Investigator, or
- report to NSW Police Force, as appropriate

The HOS or President of the Board will provide the complainant with an acknowledgment in writing, either by letter or email, of receipt of the Staff Misconduct or Reportable Conduct complaint and that the *BYC Child Protection Policy* will be followed in relation to this matter. No time frame can be given as all cases are treated individually.

Complaints of serious sexual or physical assault will immediately be referred to the Police and NSW Department of Family and Community Services (FACS) (or equivalent). Further investigations by the school will not occur until the Police and/or FACS advise the school it is safe to continue investigations.

If the complaint is investigated, the school will periodically update the complainant of the school's progress only if the HOS or President of the Board deem it as appropriate to do so.

A Child Protection Investigator will compile evidence and provide a report to the HOS. If the matter is related to the HOS, the President of the Board will be responsible for initiating the investigation by a trained Child Protection Investigator and the report will be provided to the President of the Board.

The HOS or President of the Board will notify NSW Educational Standards Authority (NESA) via RANGS online, within fourteen (14) working days of a formal written notification from the Ombudsman's Office of an alleged breach by the school.

Resolution of a Staff Misconduct or Reportable Conduct Complaint

The HOS or President of the Board will inform the complainant by email that a complaint has been finalised, as long as it is in line with the Ombudsman's Act and privacy legislation regarding disclosure of information about an investigation and the outcome of an investigation.