



Grievance Policy and Procedures

This policy addresses issues in relation to:

Safe and Supportive Environment – Student Welfare 3.6.2

Guidelines for the Regulation of Teacher Accreditation Authorities for Non-Government Schools – 4.1

(See also Policy on Code of Conduct, Anti-Bullying and Child Protection)

1.1 Introduction

Al-Faisal College is an organisation encompassing students, parents, and staff. The School values these people and believes that a process for the acceptance, monitoring and resolution of conflict, complaints and grievances is in the best interests of maintaining a harmonious, supportive and productive School community.

2. Policy

Al-Faisal College has developed this policy and procedures for resolving staff, parents and student complaints in a dignified and respectful manner.

This document sets clear guidelines for responding to and resolving grievances in an effective and well-defined manner in a supportive and co-operative environment with the utmost confidentiality and sensitivity.

Al-Faisal College:

- i. is open to receiving grievances/complaints and approaches them in a positive manner
- ii. will inform staff / parents / students of the processes in raising a grievance (complaint)
- iii. is committed to the fair resolution of complaints raised at all levels
- iv. will inform staff / parents / students of the processes in resolving complaints

Types of grievances/complaints raised may include but are not limited to:

- Curriculum: academic / progress / homework / assessments
- Behaviour: discipline / relationship with peers and teachers / Islamic ethos
- Welfare: attendance / leave / enrolment / health / safety
- General: other issues

3. Scope

- i. The scope of this policy extends to grievances brought by any member of the school community: staff, parents or students.
- ii. Some grievances are better handled under other policies of the School. The School has specific policies in place for issues such as child protection, anti-bullying and codes of conduct amongst others.
- iii. The following policy also extends to processes and procedures in handling complaints and grievances relating to raising and responding to concerns raised about the TAA's accreditation process by teachers and other stakeholders in the accreditation.

4. Time Limit

The School will try to resolve all grievances as quickly as possible. However, the timeframe for resolution of a grievance will depend on the complexity, nature and scope of the grievance.

In particular, the timeframe for handling complaints regarding child protection matters may be substantially longer than that for general complaints if a reportable conduct investigation needs to take place. The Child Protection Officer or Head of College will periodically update the complainant on the school's progress (where appropriate). Refer to Section 6.3 Process for investigating an allegation of reportable conduct (Child Protection Policy).



5. Definitions

- i. **'complainant'**: any person who has a grievance. This may include any member of staff, employee, parent or student.
- ii. **'grievance'**: any concern or complaint about any act, behaviour, omission, situation or decision that someone thinks is unfair or unjustified.
- iii. **'grievance policy'**: the procedures and objectives set out in this document.
- iv. **'grievance procedure'**: the procedures defined in this grievance policy.
- v. **'respondent'**: any person against whom a grievance is brought.
- vi. **'The School'**: Al-Faisal College.
- vii. **'Contact Officers'**: complainants are advised to initially approach the class teacher / coordinator for guidance about their concerns or complaints.
Complainants can refer their grievances to:
 - *Student complainant*: Teacher, Coordinators, Head of College / Executive Principal
 - *Parent complainant*: Teacher, Coordinator, Head of College / Executive Principal
 - *Staff complainant*: Coordinator, Executive Principal
 - *Staff complainant*: Managing Director/Secretary of School Board if the complaint is about the Executive Principal or Head of College.
- viii. **'Support Person'**: from the beginning of the process, complainants and respondents are encouraged (but not obliged) to seek out a support person who can provide support and encouragement throughout the process.
Support persons may include but are not limited to the following:
 - *Student complainant*: Students will inevitably be supported by their parents, but are also encouraged to speak to other appropriate support persons (i.e. Teachers/Coordinators/Student counsellor).
 - *Parent complainant*: Parents are encouraged to speak to the Coordinator.
 - *Staff complainant*: Staff is encouraged to speak to their Coordinator.

Support persons are entitled to accompany a complainant/ respondent to any meetings that take place during the grievance process but must not have an active role in the resolution process. It is not the role of the support person to be a spokesperson for the complainant.

6. Addressing Grievances and Complaints with Procedural Fairness

In formulating the College's policies and procedures around complaints and grievances, the College will strive to address complaints with procedural fairness.

6.1 What is Procedural Fairness?

The NSW Education Teaching Standards (NESA) defines procedural fairness as

"a basic right of all when dealing with authorities. Procedural fairness refers to what are sometimes 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."

(Section 3.7.1 (Discipline) of the Registered and Accredited Individual Non-government Schools (NSW) Manual)



7. Rights and Responsibilities of the Complainant

The complainant has the right to:

- be heard and listened to (hearing rule)
- have the complaint addressed with procedural fairness
- have the complaint dealt with quickly
- seek legal advice
- have a support person present at all meetings
- confidentiality and sensitivity in the resolution of the process

The complainant has the responsibility to:

- approach the process in good faith
- uphold strict confidentiality
- be courteous in dealing with the respondent, contact officer and arbitrator
- ensure that any support person understands their role in the process

8. Rights and responsibilities of the respondent

The respondent has the right to:

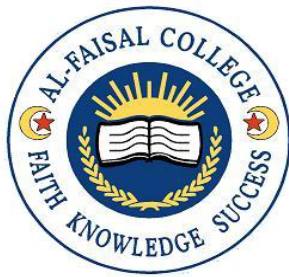
- present their version of events and reasons for their actions
- be informed of a complaint against them within a reasonable time frame
- seek legal advice
- advise and support
- have a support person present during all meetings
- confidentiality and sensitivity in the resolution of the process

The Respondent has the responsibility to:

- approach the process in good faith
- uphold strict confidentiality
- be courteous in dealing with the complainant, contact officer and arbitrator
- ensure that any support person understands their role in the process

9. Confidentiality

- i. The School is committed to the confidentiality of all complaints, at all steps in the process of their resolution.
- ii. Only the School and persons directly involved in a grievance will have access to information the subject of the grievance. It is expected that parties involved will discuss the matter only with their support persons or the other parties involved.
- iii. Complainants and respondents have a duty to uphold strict confidentiality during the grievance procedure for the safety and consideration of others that may be involved. Complainants and respondents must not publicise the grievance or the progress of its resolution. The School considers any breach of confidentiality a serious issue worthy of disciplinary action if warranted.
- iv. Any documents created or dealt with during the course of the procedure will be marked "confidential" and kept in a safe place. These documents may only be accessed by the parties involved in the grievance or by the School if the matter impacts upon the review of this policy.
- v. Although the School is committed to the confidentiality of all complaints, there may be situations where it is not possible to uphold a person's right to confidentiality. For example, a person's health and safety may be at risk, or the grievance may involve criminal activity. In these circumstances, the School will always prioritise the safety of the students, staff and wider community.



10. Dealing with Grievances (Complaints) Procedures (REFER TO APPENDIX A)

The grievance procedure consists of a six-step process. A grievance may be resolved at any stage.

STAGE 1: ACKNOWLEDGE & ASSESS GRIEVANCE (COMPLAINT):

- i. The School recognises that often grievances are simple misunderstandings that are easily resolved via effective communication as part of an informal resolution process.
- ii. Every grievance must be acknowledged as soon as possible. Acknowledgement may be done by either face to face, telephone, in writing or email.
- iii. The grievance (complaint) will be assessed to determine the best course of action to resolve the matter.
- iv. If the grievance is of a serious nature the matter may be escalated to the Head of the School.
- v. If there are concerns for the safety, welfare or well being of a student due to risk of significant harm/reportable conduct of a staff member/staff misconduct, separate processes will be used to handle the grievance (complaint). Refer to the Child Protection Policy section 6.3.

STAGE 2: INFORMAL DISCUSSION

- i. An informal discussion may be held in the first instance to seek clarification and further information on the nature of the complaint.
- ii. Complainants are advised to approach a Contact Officer (teacher/coordinator) for guidance in this stage of the procedure. Minor misunderstandings are often resolved in an informal non-threatening environment.
- iii. Depending on the complexity of the grievances, some grievances can be easily resolved at this stage.
- iv. If the grievance has been resolved and the resolution agreed to by all parties, the matter would be deemed closed and recorded onto the school's Learning Management System, Sentral.
- v. Grievances should not progress to the next phase unless both parties have first attempted to discuss and resolve the issue by the above process.

STAGE 3: FORMAL COMPLAINT (ESCALATION OF INFORMAL DISCUSSION)

- i. If the complaint was not resolved in Stage 2. The complainant may raise the matter with the Coordinators (primary) or High School Welfare Coordinator (secondary).
- ii. The Coordinators (primary) or High School Welfare Coordinator (secondary) will acknowledge the complaint and seek/collect additional information or investigate relevant issues and facts involved in the matter.
- iii. All formal acknowledgments of a grievance (complaint) must be documented and uploaded onto Sentral.
- iv. The Coordinators (primary) or High School Welfare Coordinator (secondary) will update the complainant about the progress / status of the matter and aim to resolve the issue in a timely and effective manner.
- v. The complaint outcome will be conveyed to staff / parents / students via face to face by either telephone / in writing / email.
- i. If the grievance has been resolved and the resolution agreed to by all parties, the matter would be deemed closed and recorded onto the school's Learning Management System, Sentral.



STAGE 4: MEDIATION (PS Coordinator or HS Faculty Coordinator)

A complaint outcome may be appealed if the complainant considers the outcome incorrect or unfair.

- i. Staff / parents / students have a right to be heard and can make a request for mediation.
- ii. If staff/students/parents deem that the complaint resolution 'Stage 3' was unsuccessful in resolving the matter, the complainant should approach their contact officer (Coordinator) to put their concern in writing.
- iii. Complainants must complete the Al-Faisal College "Complaints and Grievance Form" (Appendix B). The form details the following aspects of the complaint:
 - Dates, times and places of the grievance
 - Perceived problem from the perspective of the complainant
 - A written account of the progress of the informal discussions that were held between the parties
 - Suggestions as to possible solutions
 - Whether the problem is a systemic or recurring problem
- ii. A copy of the form is given to the Head of College/Executive Principal
- iii. The Contact Officer will approach the respondent and request that they attend a meeting to resolve the issue. The Coordinator will show the respondent the complainant's written complaint and offer the respondent the opportunity to write down any objections to the complaint, their perceptions of the problem and suggestions as to possible solutions.
- iv. If necessary and with the agreement of all concerned (Contact Officer, complainant, respondent) the Contact Officer organises a mediation meeting.
- v. During the mediation, the complainant and respondent will be encouraged to explain to the other party their perspective of the grievance and how it has affected them.
- vi. The Contact Officer will then encourage the parties to suggest and agree on negotiated solutions. The Contact Officer will be neutral in their dealings with each party both before and during the mediation
- vii. The Contact Officer will document the procedure and outcome of the meeting on Sentral.
- viii. If the matter is resolved to the satisfaction of all concerned no further action will be taken. The matter would be deemed as closed.

4.1 The Role of the Contact Officer PS Coordinator/ HS Faculty Coordinators during mediation

- Let parties communicate their concerns openly
- Maintain impartiality
- Encourage solutions
- Keep notes of any solutions that were suggested by either party
- Write down in detail the solution that is finally determined
- Maintain confidentiality at all times



STAGE 5: ARBITRATION

- i. It is anticipated that this stage will only be utilised if a resolution cannot be reached through the Mediation 'Stage 4' process or if one party is unhappy with the outcome of the process.
- ii. During arbitration, the outcome of the matter is determined by someone other than the parties.

9.1 Who will be the Arbitrator?

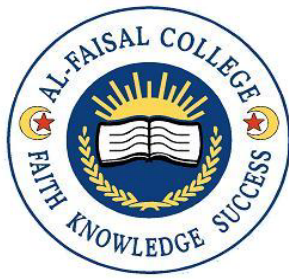
- i. The following people are appointed as arbitrators:
 - *Student complainant*: Head of College/Executive Principal or other such person the Executive Principal may appoint.
 - *Parent complainant*: Head of College/Executive Principal or other such person the Executive Principal may appoint.
 - *Staff complainant*: Head of College/Executive Principal or Managing Director/member of the School Board or other such person as the Executive Principal/Managing Director may appoint.
- ii. If the Head of College is the subject of the grievance, the arbitrator will be the Executive Principal or other such person the Executive Principal may appoint.
- iii. If the Executive Principal is the subject of the grievance, the arbitrator will be the Managing Director/Secretary of the School Board.

9.2 Role of the Arbitrator

- i. In determining the substance of the allegations/ grievance and recommending a course of action, the Arbitrator must review the written complaint of the complainant, any written response by the respondent and any written records made by the Contact Officer at the mediation. The arbitrator may also:
 - Conduct interviews with either party
 - Speak to witnesses
 - Consider any further information that may be provided by the complainant and respondent. This may include written materials, witness accounts or any other evidence directly relevant to the issues that the party wishes to be considered in the process.

9.3 Determinations

- i. The arbitrator may:
 - Uphold the complaint; or
 - Dismiss the grievance if it is considered that it is without merit or is frivolous
- ii. The arbitrator can make any recommendations they consider appropriate in the circumstances. This may include but is not limited to;
 - Discipline or reprimands
 - Counselling
 - A change in policy/procedure of the School
- iii. The arbitrator must document the actions they have taken including their reasons and communicate the decision taken (verbally or in writing).



STAGE 6: APPEAL

The complainant can appeal the arbitrator's determination by writing to the Appeals Committee.

6.1 Members of the Appeals Committee

The appeals committee consists of three persons:

- The Managing Director or delegate
- Two other members chosen by the Managing Director or School Board who may or may not be Board members.

6.2 Role of the Appeals Committee

The function of the appeals committee is to determine whether the arbitrator made a decision that was fair and reasonable in the circumstances based on the materials available to the arbitrator at the time of the arbitration.

6.3 Resources of the Appeals Committee

- i. The appeals committee must consider the following in making their determination:
 - Written complaint
 - Written response
 - Records of the contact officer from informal mediation
 - Records of the arbitrator from the formal mediation process.
 - Written determination and reasons of the arbitrator's decision.
- ii. When a complainant brings an appeal to the appeals committee, the complainant or respondent may provide the appeals committee submissions outlining why the decision of the arbitrator is wrong.
- iii. The respondent also has this right.
- iv. These submissions must also be considered by the appeals committee when making their determination.

6.4 Determinations of the Appeals Committee

- i. The appeals committee may only:
 - Uphold the decision of the arbitrator
 - Overturn the decision of the arbitrator and make new recommendations
- ii. The appeals committee must document the actions they have taken including their reasons and provide to both the complainant and respondent a written copy of any such document.



7. Guidelines for Stakeholders (Parents, Caregivers etc) regarding Raising Complaints about Staff Misconduct or Reportable Conduct.

All complaints of alleged misconduct or serious misconduct by a staff member should be immediately reported to the Head of College / Executive Principal. Certain acts involving physical or emotional misconduct, such as assault or threats to a victim, can be considered as criminal offences. These forms of criminal offences should be reported to the police.

The School has a legal obligation to investigate and report to the NSW Office of the Children's Guardian allegations of reportable conduct made against staff at the school in accordance with the Children's Guardian Act 2019 (NSW). Refer to Section 6.3 Process for investigating an allegation of reportable conduct (Child Protection Policy)

7.1 What is reportable conduct?

Reportable conduct is defined as:

- a) any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material);
- b) any assault, ill-treatment or neglect of a child; and
- c) any behaviour that causes significant emotional or psychological harm to a child. whether or not, in any case, with the consent of the child.

7.2 Other Relevant Policies

Please note that there are other school policies that relate to child protection which stakeholders need to be aware of to understand their reporting obligations. These policies include:

- a) the Code of Conduct Policy which sets out information about the standards of behaviour expected of all employees, contractors and volunteers of the School and;
- b) the Child Protection Policy which sets out a range of different obligations relating to the safety, protection and welfare of students
- c) the School's policy on Anti-Bullying bullying which summarises your obligations in relation establishing effective procedures to prevent or identify and deal with bullying if and when it occurs.

7.3 Complaints Handling Procedures: Processes and Procedures for Stakeholders in Raising Complaints

Third Party Contractors, External Education Providers, Volunteers, students, parents/guardians or other community members who have concerns that a child may be subject to abuse should contact the Head of College immediately.

Al-Faisal College's Child Protection Policy sets out the procedure for other members of the community to make a report. To support this process, staff must refer members of the community to the Head of College immediately if they have a concern that a child may be experiencing any form of abuse. If the Head of College is not contactable then advise the next most senior member of staff at the School as soon as possible.

7.4 The Head of College will undertake the following steps to support the complainant (student) to fulfil the reporting obligations in Child Protection allegations:

1. Ask whether they believe the child is in immediate danger and if so that they should contact the Police on 000 if there are reasonable grounds to suspect that a child is at risk of significant harm or if a criminal offence was committed.
2. If there is no immediate danger, request the complaint be made formal and in writing.
3. Upon receiving the written complaint, advise the stakeholder in writing that Al-Faisal College has appointed a Child Protection Officer to deal with child protection concerns both sensitively and effectively
3. Advise them who the Al-Faisal College Child Protection officer is (the Executive Deputy Principal who will determine how the complaint will be responded to)
4. The Head of College will contact the Child Protection Officer and arrange a time to meet as soon as practicable



5. Advise the complainant that the Child Protection Officer is available to answer any questions that they may have with respect to our Child Protection Policy and will periodically update the complainant on the school's progress (where appropriate)

Please note: If the allegation involves the Head of College, stakeholders are required to report the matter to the Executive Principal or Secretary of the School Board.

8. Procedures for Raising and Responding to Concerns raised about the TAA's Accreditation Process

The Managing Director/Proprietor of Al-Faisal College will have measures in place to respond in a timely manner to complaints and grievances and implement processes for raising and responding to concerns raised about the accreditation process by teachers and other stakeholders in the accreditation process. Complaints will be addressed with procedural fairness (see on definition of this policy).

If a teachers or other stakeholder in the accreditation process has a complaint or grievance they would like heard, the process outlined below should be adhered to:

- If the complaint is related to a teacher's accreditation from one of the stakeholders in the accreditation process (excluding the TAA Prime Delegate) it should be addressed to the TAA Prime Delegate.
- If the complaint is related to the TAA Prime Delegate, it should be addressed to the Managing Director/Proprietor.
- In cases where the Prime Delegate determines that the teacher seeking accreditation at Proficient Teacher level (the candidate) does not meet the requirements for accreditation, the teacher must be advised of his/her access to an internal review process. Requests for an internal review of the decision not to accredit must be:
 - Based on issues of procedure
 - Made in writing
 - Supported by documentary evidence
 - Made within 28 days of the candidate being informed of the accreditation decision
- If an internal review is requested, the Managing Director/Proprietor will ensure an impartial process is adhered to during the review process. This includes the internal review being conducted by a person who is not substantially involved in forming the teacher's accreditation decision and that the internal reviewer be an accredited teacher or eligible to be accredited under the TA Act or currently employed as a teacher in a non-government school.

Furthermore, records of the internal review will be held on file in the office of the Head of College and the Secretary of the School Board. These records include:

- the name of the reviewer
 - the evidence considered during the internal review
 - the outcome of the review and the reasons for that outcome
 - written notice of the outcome of the internal review to the teacher within twenty-one (21) days identifying the reasons for the decision
 - the action taken by the authority as a result of the outcome of the internal review
- If the authority has decided to refuse or fail to accredit a teacher under Part 4 of the TA Act, notice to the teacher of the right under section 27 of the Teacher Accreditation Act to apply to the NSW Civil and Administrative Tribunal for an administrative review of the authority's decision should be given at the time they are informed of the decision.

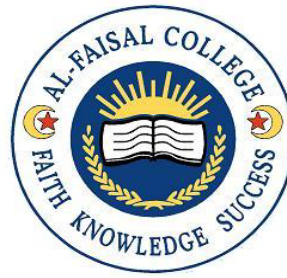


9. Responsibility for the Maintenance and Publishing of this Policy

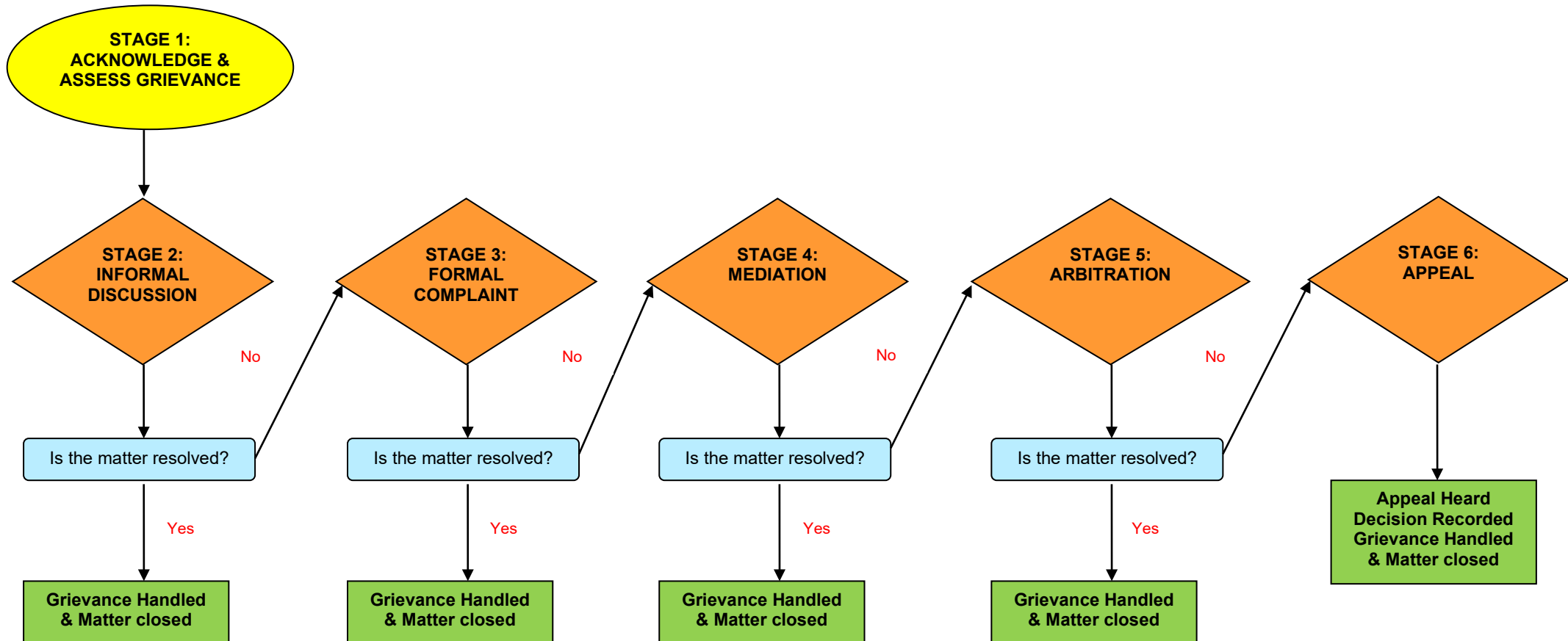
- i. The Managing Director and the School Board in conjunction with the Head of College / Executive Principal is responsible for gauging how well the Grievance Policy and Procedures are working. The School Board will review the policy annually and publish it on the school's website.
- ii. The Managing Director/School Board reserves the right to amend this policy at any time.

Date of Policy:
January 2023

Proposed review date of
policy:
January 2024
*or earlier where amendments in
legislation require immediate policy
reviews*



APPENDIX A: Dealing with Grievances (Complaints) Procedures





APPENDIX B: Al-Faisal College Grievance or Complaint Form

Date of Grievance or Complaint: _____

Time of Grievance or Complaint: _____

Place of Grievance or Complaint: _____

Perceived grievance/problem/complaint:

Written Statement of process and discussions held between parties so far:

Al-Faisal College



Sydney, Australia

Suggestions for possible solutions:

Is this a systematic or recurring issue?

SYSTEMATIC

or

RECURRING

Name of person completing and submitting form: _____

Signature of person completing and submitting form: _____

Date of submission: _____

Contact details: _____