

Seventh-day Adventist Schools (NSW)

Guidelines for Making Complaints and Appeals

Information for Students, Parents, Staff and Members of the community

1 What do we mean when we say.....?

Term	Meaning
Complaint	An expression of dissatisfaction about the school's action or lack of action or about the standard of a service, whether the action taken or the service provided was by the School itself or a body acting on behalf of the School".
Complainant	The parties who are making the complaint
Appeal	<p>A request to someone in authority to reconsider a previous decision. Appeals are usually made to the supervisor of the original decision maker.</p> <p>Appeals are considered on the basis of:</p> <ol style="list-style-type: none"> 1. A fair hearing wasn't granted before the decision was made. 2. The decision maker showed bias 3. Not all the evidence was considered
Appellant	A person or group of persons who appeals against a decision made by the school
Employee	For the purpose of this guideline an 'employee' includes employees, contractors, volunteers, trainee teachers, work experience participants, ministers of religion, and chaplains who are engaged at the school. In this guideline where there is a reference to an employee it includes all of these persons.
Enquiry	Request for further information
Grievance	A grievance is another term used for a complaint generally raised by an employee about the conduct of another employee including senior administrative staff in the organisation
Procedural Fairness	The rules or principles of procedural fairness have developed to ensure that decision- making is fair and reasonable. The Principles of Procedural fairness are:

Term	Meaning
	<ol style="list-style-type: none"> 1. The right to a fair hearing. This includes: <ol style="list-style-type: none"> a) The right to know the detail of the allegation before having to prepare a response. b) The right to give a response before any decision is made. c) The right to sufficient time to prepare a submission. d) The right of reply to a decision 2. An unbiased decision maker. This excludes from the decision making anyone who: <ol style="list-style-type: none"> a) has brought the complaint b) has a vested interest in the outcome c) has a conflict of interest d) played a part in the investigation 3. Evidence to support a decision. The decision should be made only on: <ol style="list-style-type: none"> e) evidence relevant to the matter f) evidence to which there is proof g) the balance of probabilities. This means that to make a finding there is more evidence for the allegation than against. 4. Inquiry into matters in dispute
Natural Justice	Another term for Procedural Fairness
Informal Complaint	<p>An informal complaint is where the complainant with the concern discusses the matter privately with the person subject of the complaint. Within a Christian Community this is encouraged as it follows Jesus' admonition in Matt 18:15 "If another believer sins against you, go privately and point out the offence. If the other person listens and confesses it, you have won that person back." New Living Translation. This keeps the matter low key, confidential and if successful provides a quick resolution</p> <p>Not all complainants may feel comfortable with this approach and are free to commence with a formal complaint</p>
Formal Complaint	A formal complaint involves a third party investigation, a written report with findings and recommendations.
Allegation	All complaints raised will be treated as allegations until the investigation returns a final finding
The Schools' Company	The organisation that runs the school

2 Enquiries

Enquiries about school policy, guidelines, processes or decisions are welcome and are useful to clear up potential misunderstandings. It should be noted that the School may not be able to fully respond to some enquiries because the information may be considered personal or sensitive under the School's Privacy Guidelines.

An enquiry is not considered a complaint but it may lead to a complaint. Community members with concerns should consider whether they are fully aware of the circumstances and whether an enquiry would be helpful in clarifying the matter before making a complaint.

A enquiry can be made by phone, email, by letter or in person and addressed to the staff member who would have the most knowledge of the matter. If uncertain the enquiry should be addressed to the Principal

The School should acknowledge the receipt of your enquiry within 24 hours giving you an estimated time for the full response.

3 Complaints

3.1 Who can make complaints?

Students, Parents and Carers, "employees" at the school and community members who have a concern are all free to raise an informal or formal complaint.

3.2 Who can they complain about?

Employees

Guidelines for the conduct of employees are set down in the staff code of conduct and other school documents. If there are any concerns about an employee's conduct being inappropriate this can be addressed in a complaint

Students

There are expectations for student behaviour while at school set out in school documents. This expectation is extended to out of school hours when the student is obviously representing the school in certain events or when they can be identified online. Complaints about a student's conduct during these times are appropriate to raise with the school.

Parents

Generally parent conduct is outside the control of the school. Inappropriate behaviours during public school meetings can be the subject of a complaint but it should be understood that the school might be limited in its power to intervene.

Members of the community

Generally the conduct of members of the community is outside the control of the school. Inappropriate behaviours during public school meetings can be the subject of a complaint but it should be understood that the school may be limited in its power to intervene.

3.3 Is it possible to have a support person attend any interviews related to a complaint?

The School's company and its schools are committed to better practice in complaints handling. This extends to the use of a support person at all meetings you attend relating to the handling of the complaint. This also extends to any subsequent appeal.

3.4 Is it possible for the school to provide assistance if I have difficulty completing forms or making myself understood?

If you need help in anyway with understanding the process or making yourself understood the school will be happy to provide someone to assist you in completing documents or assisting you during the complaints or appeals process. This could include arranging for someone to translate for you.

If you need assistance in this way let the principal know when you contact him about the complaint.

3.5 What types of things can be subject to complaint?

Employees

The Schools' Company will group a complaint about an employees conduct into one of the following categories.

Inappropriate Behaviour	Conduct contrary to the expectations set out in the School's Policies, Guidelines and Handbooks
Professional Misconduct	Conduct contrary to the <i>Staff Code of Conduct</i>
Reportable Conduct	A special class of conduct that needs to be reported to the NSW Ombudsman and investigated by the Schools' Company
Criminal Conduct	Any criminal act

You do not need to know which of these categories is appropriate. The person taking the complaint will assist you with this.

Students

Any behaviour contrary to the Student code of conduct, the student rights and responsibility document or the Student Handbook. You don't need to know whether the behaviour is contrary to that which is expected in these documents before making the complaint. If you have a concern and believe the behaviour is inappropriate raise the concern and the person taking the complaint will assist you with this.

3.6 What kinds of complaints are outside this guideline?

Complaints relating to employee remuneration are handled under the dispute resolution guidelines in the enterprise agreement.

A complaint will become outside the jurisdiction of this guideline if it becomes a matter for the courts.

3.7 How do I make a complaint?

Informal complaints

Informal complaints can be made by requesting an interview with the person subject of complaint.

Formal complaints

A formal complaint can be made by phone, email, by letter or in person.

A formal complaint should be addressed to the Principal unless the complaint is about the Principal in which case it should be made to the Head of Agency. The Head of Agency for the Schools' Company is:

Greater Sydney Dr Jean Carter jeancarter@adventist.org.au

3.8 What if I am unhappy with the result of an informal complaint?

You are free formalise the complaint using the process outlined above.

3.9 What responsibilities are expected of me as a complainant?

1. keep the matter confidential and encourage others to keep it confidential while the complaint is being processed.
2. raise concerns promptly and directly with the appropriate member of the school staff
3. indicate if you need assistance during the complaints handling process.
4. explain the problem as clearly and as fully as possible, including any action taken to date and an indication of the desired solution
5. be as dispassionate and constructive as possible about the complaint. Aggressive, obsessive or abusive behaviour cannot be tolerated as each employee has the right to a workplace free of such behaviour. If this negative behaviour occurs, employees are directed to cease discussion of the problem and report the matter to a supervisor. The supervisor may write to abusive complainants to inform them that their behaviour is considered to be unacceptable.
6. allow the College a reasonable time to deal with the matter, and
7. if you wish to respond to the preliminary finding ensure that this is done prior to the deadline given.

3.10 How will a formal complaint be handled?

1. The school is committed to investigate the complaint.
2. The school is committed to keeping the investigation confidential. All persons involved in the investigation including the complainant will be asked to keep the investigation confidential.
3. The investigation will operate under the principles of procedural fairness.
4. The investigation will make a finding on the basis of the evidence gathered.
5. The investigation will prepare a report with findings and recommendations.

3.11 Who will investigate a formal complaint?

1. The complaint will be referred to the Head of Agency.
2. The Head of Agency will appoint an investigator.
3. The investigator will be unbiased
4. The investigator may be:
 - a) for the Inappropriate behaviour allegations of students and employees a senior member of staff from the school.
 - b) for more serious professional misconduct of employees a trained internal or external investigator.
 - c) for serious Reportable Conduct Allegations or alleged criminal conduct the matter may be referred to the Police or Family and Community Services to investigate

3.12 How will the investigation proceed?

1. The investigator will do a risk assessment and may stand down the person subject of complaint from ongoing duties while the investigation proceeds

2. The investigator will contact you to arrange an interview.
3. The investigator will interview witnesses and collect evidence.
4. The investigator will present the PSOC with a letter outlining the allegations.
5. The investigator will seek a response from the PSOC.
6. The investigator may seek further information from you.
7. The investigator will put the evidence gathered into a report and suggest a preliminary finding and recommendations for the school.
8. The report will be given to the Head of Agency for review and to make the preliminary finding
9. The PSOC will be given an opportunity to respond to the preliminary finding.
10. The Head of Agency will review this response and make a final finding.
11. As complainant you will be given a briefing on the result of your complaint.

3.13 What will happen to the person subject of complaint if the findings are sustained?

For students a sustained finding may result in a warning or further discipline action.

For employees a sustained finding may result in a requirement to attend training, further discipline action and/or employment action.

3.14 Can a complaint be anonymous?

Anonymous complaints are more difficult to process. This is because it is often difficult to conduct a full investigation without knowing the identity of a complainant. Investigations often require further information or clarification from the witnesses including the complainant. Without knowing how to contact witnesses this process can't be completed. Good practice complaints handling also requires that the outcome of an investigation be communicated to the complainant. This is not possible if the Complainant wishes to remain anonymous.

While the School will attempt to investigate a anonymous complaint it can't guarantee that the investigation will be completed.

4 Appeals

Anyone with a concern about a decision made by the Schools' Company or one of its schools is welcome to appeal the decision.

4.1 What is an accepted basis for an appeal?

A decision made by the school can be appealed on two grounds.

1. The process of making the decision was not procedurally fair.
2. the decision itself was not fair in that it is counter to the School's philosophy, policies and guidelines

Procedural Fairness

The Schools' Company and its schools is committed the principles of procedural fairness in its decision making processes. These are

1. The right to a fair hearing which includes the right:
 - a) for a person to know the detail of an allegation before being expected to respond.
 - b) for time to prepare a response.
 - c) to respond before the decision is made.
 - d) to right of reply to a decision.

2. The right to an unbiased decision maker. This excludes from the decision making process anyone who:
 - a) has brought the complaint
 - b) has a vested interest in the outcome
 - c) has a conflict of interest
 - d) played a part in the investigation
3. Evidence to support a decision.
 - a) The decision should be made only on:
 - i) evidence relevant to the matter
 - ii) evidence to which there is proof
 - iii) the balance of probabilities as a burden of proof. This means that to make a finding there is more evidence for the allegation than against.
 - b) The investigation should make every effort to gather evidence relating to matters in dispute

Unfair decisions

A school decision may appear to be counter to a schools philosophy, policy, guidelines or documented procedures. In this case there is a perception of the decision being unfair because of an inconsistent application of these principles.

4.2 How can an appeal be made?

An appeal should be made in writing and addressed to the Principal. The appeal should include the original decision and state the reasons why you believe the decision is unfair. If you are unsure of the specific grounds the Principal will assist you in clarifying the appeal.

4.3 How long will it take for an appeal to be processed?

Work on reviewing your appeal should commence within 5 working days. A decision on the appeal should be concluded within a further 5 working days.

4.4 Who will make the decision on the appeal?

For the purposes of this guideline the individual or group of individuals who will review an appeal will be called the **Review Panel**.

For decision originally made by...	The Appeal will be reviewed by... The Review Panel
A Teacher	The Teacher's Head of Department or Head of School
A Head of Department or Head of School	The Principal
The School Administration	The School Council
The Principal	The School Council or Head of Agency
The School Council	The Head of Agency
The Head of Agency	The Chairman of the Schools' Company Board

4.5 What process will be used to review an appeal?

1. If the Review Panel is a group of individuals, one of those individuals will be assigned to act as the Review Panel Secretary. The Review Panel Secretary will prepare the materials for the group to review before making the decision.
2. If the review is to be done by an individual that person will act as the review panel secretary and the review panel.
3. The review panel secretary may contact parties to the original decision to clarify any matters relating to the appeal.
4. The review panel secretary will collect all records relating to the original decision.
5. The process of review may include:
 - a) A check of the information gathered for completeness. This may involve further investigation if anything is missing
 - b) a review of the original decision comparing it with the appropriate philosophy, policies, guidelines and processes outlined in the school documents. Decisions counter to existing policy or procedure may be overturned.
 - c) The review panel will check the decision making process to see if procedural fairness was used in all aspects of that process. Decisions made without procedural fairness may be overturned or the original decision maker may be asked to start the decision making process again this time ensuring procedural fairness if the review panel believe a fair decision is still possible.
6. The review panel will make a preliminary finding on the appeal. This will generally take the form...

Because of the following reasons....

(list of evidence relied on) ...

The review panel....

Overturns the original decision....

or

Upholds the original decision....

or

Directs the decision maker to remake the decision applying procedural fairness to the process
7. This preliminary finding will be shared with all parties that have a material interest in the decision setting a deadline for a response.
8. The response should address new evidence that may not have been considered.
9. The review panel will review all responses and make a final finding on the decision on the appeal.

4.6 How will I be notified of the result of my appeal?

The Review Panel will notify you in writing and may choose to meet with you to explain the decision. The panel will also inform you of any recommendations it has made for changes to the schools policies, Guidelines and processes as a result of your appeal.

4.7 What happens if I am still not happy with the decision?

If you are still not happy with the decision there are external bodies who provide oversight to the Schools' Company and its schools. These bodies include,

1. Association of Independent School NSW for matters relating to curriculum delivery and student welfare.
2. Board of Studies, Teaching and Educational Standards for matters relating to curriculum delivery and student welfare.
3. Fair Work Commission for matters relating to staff remuneration, workplace bullying and dispute resolution.
4. Overseas Student Ombudsman for matters relating to overseas student agreements and reporting on compliance with visa conditions.
5. The Australian Human Rights Commission for matters relating to discrimination, harassment and bullying.
6. Office of the Australian Information Commissioner for matters relating to privacy and the use of your personal and sensitive information.
7. NSW Fair Trading for matters related to disputes about fee payments.
8. NSW Ombudsman's Office for matters related to **reportable conduct** if the employee believes the investigation was unfair, biased, incomplete or suffered some other deficiency giving rise to an incorrect finding.

It should be noted that most of these agencies will expect that an appellant would have first used the internal school complaints and appeals process prior to seeking the external agencies' assistance.

Document Controls

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