

# AL HIKMA COLLEGE



## GRIEVANCE POLICY AND PROCEDURES

Revised and updated May 2024

*School has policies and procedures to ensure that it meets its legislative obligations in relation to – Safe and Supportive Environments B8*

## **Rationale**

Al Hikma College values its students, staff, parents and the wider community. It 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.

This grievance policy is aimed at providing a mechanism for resolving grievances in a quick, simple, well-defined manner in a supportive and co-operative environment with the utmost confidentiality and sensitivity.

### **1. Policy**

- The School is open to receiving grievances and approaches them in a positive manner
- The School has a commitment to the fair resolution of complaints at all levels
- The School has a commitment to transparency of process and impartiality in handling complaints
- The School has a commitment to ensuring that it has the appropriate resources to fully accommodate a procedure for handling complaints

### **2. Scope**

- The scope of this policy extends to grievances brought by any member of staff, parents, students or members of the wider community
- Some grievances are better handled under other policies of the School. The School has specific policies in place for issues such as child protection, discrimination and codes of conduct amongst others

### **3. Definitions**

- **‘complainant’**: any person who has a grievance. This may include any member of staff, employee, parent or student
- **‘grievance’**: any concern or complaint about any act, behaviour, omission, situation or decision that someone thinks are unfair or unjustified
- **‘grievance policy’**: The procedures and objectives set out in this document
- **‘grievance procedure’**: the procedures defined in this grievance policy
- **‘respondent’**: Any person against whom a grievance is brought

## **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.

### **What is Procedural Fairness?**

The NSW Education Standards Authority (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".

#### **4. Confidentiality**

- The School is committed to the confidentiality of all complaints, at all steps in the process of their resolution
- Only the School and persons directly involved in a grievance will have access to information about the grievance. It is expected that the parties involved will discuss the matter only with their support persons or the other parties involved
- 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

- Any documents created or dealt with during the course of the procedure will be marked confidential and put 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
- 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

## 5. 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.

## 6. Procedure

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

- Steps 1 and 2 comprise the informal process as, at this stage, the outcome of the dispute is still within the hands of the parties
- Steps 3 and 4 comprise the formal process as at this stage, the issue is determined by a third party.
- The informal process utilises the concept of 'contact officers'

### **Who are the Contact Officers?**

- *Student complainant:* Principal
- *Parent complainant:* Principal
- *Community complainant:* Principal
- *Staff complainant:* Principal

If the Principal is the subject of the grievance, the investigator will be the Chairman of the School Board. From the beginning of the process, complainants and respondents are encouraged (but not obliged) to seek out a support person who can provide support/encouragement throughout the process. Support persons should not themselves be directly involved in the matter which is the subject of the grievance.

## **Who May be a Support Person?**

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)
- *Parent complainant:* Parents are encouraged to speak to the Principal
- *Staff complainant:* Staff are encouraged to speak to the Principal
- 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

## **7. STEP 1 – DISCUSSIONS**

- The School recognises that often grievances are simple misunderstandings that are easily resolved via effective communication
- Every grievance must be addressed via informal discussion in the first instance  
Grievances will not be able to progress to the next phase unless both parties have first attempted to discuss the issue.

### **7.1 Objects**

- To resolve issues in a timely manner informally and personally
- To assist communication between the parties
- To address minor misunderstandings

### **7.2 The Process**

The complainant is to approach the respondent and explain their grievance in a non-threatening manner using effective communication.

### **The Role of Contact Officers**

Complainants are advised to approach the Principal for guidance in this stage of the procedure. The Principal is available as a support person and to advise the relevant parties on the best way to communicate with the respondent, in a non-threatening manner.

Complainants and respondents may seek out support persons during this time. However, minor misunderstandings are often resolved in a non-threatening environment. Thus, it is not recommended that support persons attend an informal discussion with the complainant.

## **8. STEP 2 – MEDIATION**

### **8.1 Objects**

- To use a neutral third party to help to resolve the grievance by isolating the main themes and problems and encouraging parties to create solutions
- To clarify issues and sequences of events
- To encourage parties to work together to reach a mutually acceptable solution
- To encourage both parties to think of solutions at an early stage

### **8.2 The Process**

- If discussions were unsuccessful in resolving the matter, the complainant should approach their contact officer to put their concern in writing
- Complainants must detail the following aspects:
  - Dates, times and places of the grievance
  - Problems perceived 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
- The Principal will approach the respondent and request that they attend informal mediation to resolve the issue. The Principal will discuss with 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 viable solutions
- The Principal oversees the process and conducts the mediation
- 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
- The Principal will then encourage the parties to suggest and agree on negotiated solutions. The Principal will be neutral in their dealings with each party both before and during the mediation

### **8.3 The Role of the Principal**

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

## 9. **STEP 3 – INVESTIGATION**

- It is anticipated that this stage will only be utilised if a resolution cannot be reached through mediation or if one party is unhappy with this grievance procedure
- During an investigation, the outcome of the matter is determined by someone other than the parties

### 9.1 **Who will be the Investigator?**

- The following people are appointed as investigators, or, if the parties agree, an independent arbiter may be selected by them:
  - *Student complainant*: Principal or other such person they may appoint
  - *Parent complainant*: Principal or other such person they may appoint
  - *Staff complainant*: Principal or Director of the School Board or other such person as they may appoint
- If the Principal is the subject of the grievance, the investigator will be the Director of the School Board

### 9.2 **Role of the Investigator**

In determining the substance of the allegations/grievance and recommending a course of action, the investigator 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 investigator may also:

- Conduct interviews with either party
- Speak to witnesses
- Peruse 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**

The Investigator may:

- Uphold the grievance
- Dismiss the grievance if it is considered that it is without merit or is frivolous

- The investigator 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
- The investigator must fully document the actions they have decided and the reasons for it and provide to both the complainant and respondent a copy of these.

## **10. STEP 4 - APPEALS COMMITTEE**

### **10.1 What is the Appeals Committee?**

The appeals committee consists of three people:

- The Principal
- Two other members of the School Board

### **10.2 Role of the Appeals Committee**

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

### **10.3 Resources of the Appeals Committee**

The appeals committee must consider the following in making their determination:

- Written response
- Records of the contact officer from mediation
- Written determination and reasons of the investigator
- When a complaint is brought to the appeals committee, the complainant or respondent may provide to the appeals committee submissions outlining why the decision of the investigator is wrong. These submissions must also be considered by the appeals committee when making their determination.

### **10.4 Determinations of the Appeals Committee**

The appeals committee may only:

- Uphold the decision of the investigator
- Overturn the decision of the investigator and make new recommendations
- The appeals committee must fully document the actions they have decided and the reasons for it and provide, both the complainant and respondent a copy of these.



### **11. Rights and responsibilities of the respondent**

The respondent has the right to:

- present their version of events and reasoning
- be informed of a complaint against them within a reasonable period
- seek legal advice
- advice and support
- have a support person present during all meetings
- confidentiality and sensitivity in the resolution of the process

### **Victimisation and repercussions of ill treatment as a result of bringing the complaint will not be tolerated.**

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 investigator
- ensure that any support person understands their role in the process

### **13. Responsibility for the Maintenance of this Policy**

- The School Board in conjunction with the Principal are responsible for gauging how well the grievance procedure is functioning. The School Board and Principal will review the policy periodically
- The School Board reserves the right to amend this policy at any time



# AL HIKMA COLLEGE STAFF GRIEVANCE FORM

## PERSONAL INFORMATION

NAME		POSITION	
DEPARTMENT		EMAIL	

## INFORMATION ABOUT YOUR COMPLAINT

Provide specific details of your complaint – for example, what happened, when (give approximate dates), who was there, etc

Large empty text area for providing details of the complaint.

What outcome / remedy are you seeking to resolve your complaint?

Empty text area for describing the desired outcome or remedy.

SIGNED		DATE	
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# AL HIKMA COLLEGE PARENT/GUARDIAN GRIEVANCE FORM

## PERSONAL INFORMATION

NAME		CHILD NAME	
PHONE		EMAIL	

## INFORMATION ABOUT YOUR COMPLAINT

Provide specific details of your complaint – for example, what happened, when (give approximate dates), who was there, etc.

What outcome / remedy are you seeking to resolve your complaint?

SIGNED		DATE	
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