

## Complaints, Disputes and Grievances Policy

### 1. Policy

To facilitate the appropriate, fair and prompt handling of complaints, disputes and grievances that may arise in the course of the operations and activities of SMYL Community College.

### 2. Educational Philosophy

SMYL Community College is an *alternative educational institution* that:

- provides hope and opportunity to young people who have disengaged or who are at-risk of disengaging from secondary schools;
- provides a secure, safe and supportive environment;
- offers individualised learning and project-based teaching; and
- empowers young people by giving them the skills, knowledge and self-reliance to be able to make a positive contribution to the community, such as through gaining employment or engaging in further education or training.

### 3. Background

SMYL Community College seeks to foster a culture of openness where suggestions and complaints are received in a positive manner and where disputes and grievances are resolved fairly and according to the principles of natural justice. Students, parents and staff are valued members of the College community and are encouraged to raise any concerns.

A complaint, dispute or grievance will be dealt with wherever possible by discussion and mediation or, where required, by independent arbitration. It is acknowledged that problems are likely to arise if members of the college community feel the College is not open to hearing their concerns. The SMYL Community College will operate on the basis that it is better to receive and resolve a complaint than to have complaints unresolved and this becoming the basis for dissatisfaction.

### 4. Definitions

#### *College community*

The college community is made up of the people participating in the College including students, parents, staff and members of the College Council.

#### *Complaints*

A complaint may be made about the College as a whole or about a member of the college community. Complaints will be treated as constructive suggestions to improve standards and prevent cause for further complaint. A complaint is an expression of dissatisfaction with a real or perceived problem. A complaint may be made where a student, parent or staff member is concerned that the College or a member of the College community has:

- *done something wrong;*
- *failed to do something it should have done; or*
- *acted unfairly or impolitely.*

### *Disputes*

A dispute is where an issue arises that results in a disagreement or argument and may involve two or more parties with opposing views and which, if continued unresolved, may be disruptive to the College community.

### *Grievances*

A grievance arises when a real or perceived injustice has been committed by one person against another, or by the College against an individual or a group within the College community and which leads to a formal complaint being made.

### *Complainant*

The complainant is the person who making the complaint.

### *Respondent*

The respondent is the person against whom the complaint is being made.

## **5. Aims**

The aims of this policy and procedure are:

- a) To create a cohesive and collaborative College community where each person:
  - i. is treated with respect, dignity and consideration;
  - ii. is able to learn and work without interference within an orderly and safe environment; and,
  - iii. feels pride in their contribution to the College community.
- b) To prevent unnecessary disruption to the College community caused by grievances, disputes and complaints that remain unresolved; and,
- c) To enable the College to undertake continuous improvement through reflecting on and taking action on matters raised through the complaints process.

## **6. Scope**

This policy covers any matter raised by a student, parent or member of staff that might be seen to be a complaint, dispute, grievance or sense of injustice arising from any aspect of the College, including its staff, programmes, activities or resources;

This complaints procedure may be adapted by the relevant head of department to deal with complaints received from members of the public or people and agencies providing services to the College.

## **7. Procedure (see flow chart attached)**

- a) All complaints, disputes or grievances will be treated seriously, even if the matter raised may be viewed as a relatively minor issue or concern;
- b) A complaint, dispute or grievance may be raised verbally or in writing, including anonymously;
- c) All complaints, disputes or grievances will be treated in a confidential manner and involve only those people required to be involved as parties or to assist with resolution;



- d) The SMYL College complaints, disputes and grievances resolution process is based on three methods:
- i. Discussion - where possible, any matter of concern is best resolved by direct discussion between the people involved and this may include either of the parties being accompanied by a friend, parent or colleague;
  - ii. Mediation - where requested by a complainant or respondent, a SMYL College staff member with immediate supervisory responsibility for the people involved will facilitate a mediation of the parties. (If the relevant head of department has previously dealt with the matter or is a party, the Director shall supervise the mediation and if the Director has previously dealt with the matter or is a party, the Chair of the Governing Council shall supervise the mediation.)
  - iii. Arbitration – where mediation does not resolve the matter to the satisfaction of the parties, the Chair of the Governing Council shall appoint an independent arbiter to supervise the matter.
- e) This dispute resolution process does not preclude any party from seeking resolution by formal legal proceedings.
- f) A complaint, dispute or grievance will be entered into a confidential College record from the time it proceeds to mediation and until it is finalised.
- g) The complainant and the respondent will be informed of this policy and their rights to:
- i. know all of the relevant details of the matter;
  - ii. have an opportunity to respond to any matter or material presented;
  - iii. be accompanied by a support person at any stage.
- h) If a matter is not resolved within 10 working days of it last being dealt with under d)i, d)ii or d)iii above, the Director shall convene a meeting of the complainant and respondent (including support persons and any other person the Director determines may assist in resolution of the dispute) to determine the next steps for resolution of the matter.
- i) If the matter is not resolved within 10 working days of the meeting convened by Director at h), the matter shall be referred by the Director to the Chair of the Governing Council who shall determine whether a further meeting of the parties will assist resolution or whether the matter is to be referred to an independent arbiter.
- j) Where the matter is referred to an independent arbiter, the independent arbiter will review and hear all parties and where appropriate, their support persons. The independent arbiter will report his/her decision to the Chair who will communicate the outcome of arbitration to the parties.

## 8. Monitoring, recording and resolution

- a) When a complaint, dispute or grievance is recorded (paragraph f), the relevant head of department will inform the complainant and respondent that the College holds a record of the matter.
- b) All formal steps undertaken in accordance with this policy and procedure will be held in a confidential record at the College.
- c) Resolution of the matter for the complainant may include any of the following:
- knowing that changes have been made, and that future practices will be different;
  - knowing that the College is aware of a potential matter of concern;
  - feeling their concern has been considered seriously;
  - an outcome which may be different from what the original outcome sought but which is regarded as an acceptable outcome or the best possible outcome;
  - a considered statement, letter or apology.



- d) After the matter is finalised under this Policy & Procedure, both the complainant and the respondent will receive a written report that includes detail of:
- the issues raised;
  - how the issues were considered;
  - the people consulted; and,
  - the outcome(s).

### **8. Communicating this Policy to the College Community**

- a) The process will be included in the College Information Handbook and on the College website.
- b) The policy will also be available to staff through the document management system.

### **8. Role of the Director General of the Department of Education**

- a) The Director General does not have a power to resolve a complaint or determine the outcome of a complaint made to a school.
- b) The Minister has a power under section 223 of the Act to review a decision as to an individual student.
- c) The Minister may, but is not obliged to, conduct a review under section 223.
- d) Where complaints have been submitted to the Minister, the complainant may be referred to the school's complaints policy for resolution through the published procedures, if that process has not already been followed.

**SMYL COMMUNITY COLLEGE**

**Flow chart of the Complaints, Disputes and grievances Policy and Procedure**

(Full details are contained in the Complaints, Disputes and Grievances Policy)

