



THE HUTCHINS SCHOOL

# Complaints and Grievances Policy

## INTERNATIONAL STUDENTS

<b>Relevant Legislation</b>	Anti-Discrimination Act 1998 Australian Human Rights Commission Act 1986 Commonwealth Fair Work Act 2009 Disability Discrimination Act 1992 (Commonwealth) Education and Care Services National Law Act 2011 Education and Care Services National Regulations Equal Opportunity Act 2010 Privacy Act 1998 (Commonwealth of Australia)
<b>Commencement Date</b>	
<b>Last Review Date</b>	

### 1. Purpose

To provide a set of principles and procedures for the resolution of grievances at The Hutchins School. This policy is to be used in conjunction with the procedures for complaint and grievance resolution.

### 2. Scope

This policy applies to all staff, students, parents, and members of The Hutchins School community, and may be used either in relation to grievances raised by groups or by individuals in relation to:

- bullying;
- discrimination;
- harassment;
- unfair treatment; or
- victimisation.

Circumstances do exist in which this policy does *not* apply, including:

- in relation to issues which are outside of the responsibility or scope of The Hutchins School in its role as an employer;
- in respect to staff recruitment, appointment, conversion, reclassification, probation, promotion and conditions of employment for staff;

- in relation to issues regarding Work Health and Safety (these should be referred to the Safety Co-ordinator);
- circumstances where the employment of the complainant has ended, and the grievance policy had not been engaged prior to that point;
- in relation to complaints of discrimination from applicants for positions or ex-employees; or
- where an existing review, appeal or complaint procedure is already in process.

### 3. Objectives

The objective of this policy is to ensure a harmonious, fair and just working and learning environment by ensuring that staff, students, parents/carers and The Hutchins School community have access to processes that allow for grievances, disputes, problems and complaints to be resolved.

The Hutchins School believes that all managers and supervisors have an obligation and responsibility to proactively promote a workplace free of bullying and intimidation, irrespective of the parties involved. All grievances will be dealt with in a supportive environment without victimisation or intimidation by anyone connected with the grievance, either during or subsequent to a grievance resolution procedure.

The emphasis of this policy and its accompanying procedures is on resolving problems as swiftly and harmoniously as possible by directing complaints and grievances to the most appropriate resolution mechanism.

### 4. Definitions

<b>Allegation</b>	A statement of fact contained within a complaint. Such statements remain allegations until proven by supporting evidence.
<b>Bullying</b>	Bullying is repeated and unreasonable behaviour directed towards an individual that creates a risk to health and safety, where: <ul style="list-style-type: none"> <li>• ‘Repeated behaviour’ refers to the persistent nature of the behaviour and can involve a range of behaviours over time; and</li> <li>• ‘Unreasonable behaviour’ means behaviour that a reasonable person, having regard to the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.</li> </ul>
<b>Complaint / Grievance</b>	An expression of dissatisfaction with a situation, service, facilities, policy, procedure or behaviour, for which a response or resolution may be explicitly or implicitly expected.

<p><b>Discrimination</b></p>	<p>When someone is treated unfairly because they belong to a particular group of people or have a particular characteristic.</p> <p>For example: treating someone unfairly or differently because of their sex, pregnancy, race (including colour, ethnicity and descent), disability, sexual preference, religion, transgender, carer’s responsibilities, marital status, social origin, political belief, employee association activity, irrelevant criminal record or age.</p> <p>Indirect discrimination occurs when there is a requirement or rule that is the same for everyone but in effect disadvantages people from a particular group more than people from other groups - unless the requirement is reasonable in the circumstances.</p>
<p><b>Harassment</b></p>	<p>Unwelcome behaviour that makes a person feel belittled, intimidated, offended or apprehensive, and that a reasonable person, taking into account all the circumstances, would expect to cause offence, intimidation or apprehension.</p>
<p><b>The Hutchins School community</b></p>	<p>For the purpose of this policy, The Hutchins School community refers to alumni, associations (including, but not limited to, the Hutchins School Old Boys’ Association and the Parents’ Association), governing bodies (such as The Hutchins School Board and The Hutchins Foundation), volunteers, contractors and sub-contractors of the School. Parents, carers and families are also covered by this designation.</p>
<p><b>Victimisation</b></p>	<p>Punishing, or threatening to punish someone. It is against the law to punish, or threaten to punish someone because they have:</p> <ul style="list-style-type: none"> <li>• asserted their rights under equal opportunity law</li> <li>• made a complaint</li> <li>• helped someone else make a complaint</li> <li>• refused to do something because it would be discrimination, sexual harassment or victimisation.</li> </ul> <p>Examples of victimisation can include (but are not limited to) bullying and intimidation by co-workers, being denied a promotion, or demoted to a position with lower responsibility, dismissal from work, or being refused further work. The legal definition of victimisation is when someone “subjects or threatens to subject the other person to any detriment” (Equal Opportunity Act 2010: Section 104(1)).</p>

## 5. Policy Statement

The primary objective of this policy is to achieve the resolution of complaints and grievances. The Hutchins School has a duty of care to students, staff and to the School community to resolve grievances quickly, and with a minimum of distress. As such, grievances should be handled according to the following principles:

- all complaints and grievances should be acknowledged. Formal complaints and grievances will be acknowledged in writing through the Complaints and Grievance Form submission process; informal grievances or complaints may be acknowledged verbally.
- the resolution of complaints and grievances should be as swift, and as close to the source as possible, unless it is not practical, lawful or ethical to do so;
- it is expected that all parties should engage with the resolution processes in good faith, with a desire to work cooperatively to problem-solve;
- it is likewise expected that all parties shall treat one another with respect. Individuals shall not harass or victimise other parties involved in the matter;
- confidentiality and privacy will be strictly observed by all parties at all stages of the complaints and grievance procedure; and
- complainants and respondents will be informed of the outcomes of these processes wherever appropriate.

### **Principles of fairness and natural justice**

The Hutchins School recognises the legal and ethical rights of staff, students, and Hutchins School community members to:

- raise any complaint or concern related to bullying, discrimination, harassment, unfair treatment or victimisation;
- have that concern, problem, complaint or grievance dealt with confidentially, fairly, and within a reasonable time frame;
- have a support person present during the complaints and grievance process;
- access mediation at any point during the complaints and grievance process, upon request; and
- access legal advice at any time.

### **Commitment to Kindness**

In keeping with The Hutchins School [Commitment to Kindness](#), it is the School's expectation that all complaints and grievances are handled according to "an attitude of goodwill to all people, not seeking self-gratification, but seeking to build up others".

### **Informal resolution**

The Hutchins School believes that the best possible resolution of a complaint, grievance or conflict is through an informal process in which the complainant and the respondent come together to resolve the issue.

Informal grievance processes may be handled at the discretion of the parties involved, and record keeping is not mandated at this initial step. Where the complaint is in respect to a child's schooling, staff

are required to keep a record of the complaint and resolution in keeping with the School's [Records Management Policy](#) from the onset of the complaint or grievance.

## **Formal resolution**

Where it is not possible for a complaint or grievance to be resolved informally, a formal process may be engaged. This process commences upon the lodgement of a [Complaints and Grievance Form](#) and will be conducted according to the [Complaints and Grievance Procedures](#). Lodging this form triggers the commencement of the formal record keeping process. Subsequent investigations will require that all relevant documentation is kept, and that thorough records of the grievance resolution process are maintained.

Upon the commencement of the formal resolution process, the following records must be kept:

- notes of meetings;
- interview notes;
- witness statements;
- phone call records; and
- written documentation (including, but not limited to letters and emails).

A record of the outcome of the complaint or grievance investigation must also be kept. All records kept by the School should be dated, signed and retained according to the [Records Management Policy](#).

Grievances lodged through the [Complaints and Grievance Form](#) will be assigned to the appropriate member of staff for investigation through an automated online process. The name or job title of the staff member tasked with investigating a grievance will be clearly stated to the complainant during this process and prior to the submission of the form, to allow for an alternate selection should a conflict of interest may be perceived.

Upon receipt of the Complaint or Grievance Form, the designated staff member is expected to take action as soon as is practicable, observing the following rules of natural justice:

- inform all parties of the receipt of the complaint or grievance;
- inform all parties of the procedures to be followed, and provide copies of the policies, procedures and guidelines considered relevant;
- explain to the complainant that the requirements of procedural fairness may mean that their identity may be disclosed to the respondent;
- inform the respondent of any allegation made against them, and allow time for a response;
- provide the respondent with an opportunity to present their case, provide an explanation or make a defence;
- conduct a factual investigation of the allegation(s) made, interviewing all parties and considering all relevant information; and

- act fairly, impartially, and without bias, by considering all relevant information and mitigating factors.

### **Conflict of Interest**

Where it may be demonstrated that there is a conflict of interest, or where a potential conflict of interest may be perceived in respect to those charged with arbitration, mediation, or any of the complaint resolution processes detailed within this policy and its associated procedures, complainants and respondents retain the right to request alternate personnel, or to move to the next step in the Complaints and Grievances Procedure.

### **The Complaints and Grievances Form**

The Complaints and Grievances Form serves as a single point of entry for all complaints and grievances that have progressed to the formal stage. Despite being a single form, this process handles complaints from staff, students and Hutchins School community members separately, and will distribute the complaint to the relevant staff member automatically depending on the details entered by the complainant. Where a complaint is received via other mechanisms (e.g. email), and once informal resolution options have been exhausted, staff may either direct the complainant toward the form, or complete the form themselves on the basis of the communication that they have received.

Complaints against the Headmaster may also be processed through this form; however, these reports are sent directly to the Chairman of the Board and are managed separately from staff, student, and Hutchins school community complaints and grievances.

## **6. Supporting/Related Documents**

[Anti-Bullying Policy – Staff](#)

[Practice and Behaviour Guidelines](#)

[Anti-Bullying Policy - Students](#)

[Privacy Policy](#)

[Anti-Discrimination Policy](#)

[Records Management Policy](#)

[Commitment to Kindness](#)

[The Hutchins School Code of Conduct](#)

## **7. Record Keeping**

This policy is to be kept for three (3) years until a review, unless there is a significant legislative or organisational change requiring an earlier review.

The master copy is kept on SharePoint and is read-only in PDF form. All printed copies are uncontrolled.

## **8. Policy Owner**

Headmaster