3 Complaint Resolution Procedures

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3 COMPLAINT RESOLUTION PROCEDURES
Responding to Suggestions, Complaints and Allegations

3.1 Responding to Suggestions, Complaints and Allegations

a) In response to requests from staff and community groups, the Department has rationalised and brought together in a single document the procedures for managing suggestions and complaints. The procedures are titled *Responding to Suggestions, Complaints and Allegations* and apply from 23 April 2001.

b) Suggestions and complaints are valuable as they enable staff to address concerns and improve the quality of service. These procedures promote fairness and ensure that complaints are treated according to the nature and seriousness of the issue. They encourage all staff to participate in systems improvement.


d) There are certain circumstances in which the procedures do not apply, for example, the management of staff performance and efficiency; reporting risk of harm concerns about children and young people which do not involve departmental staff or a person associated with a departmental activity; and industrial disputes. The “Exclusions” section of the procedures provides additional information on the issues that are not covered by the procedures.

e) The Department’s Anti-discrimination Policy is currently being revised. Pending finalisation of the revised policy, the anti-racism grievance procedures as set out in section 3.2 will continue to apply.
3.2 Anti-racism Grievance Procedures

The Department’s Anti-discrimination Policy is currently being revised. Pending finalisation of the revised policy, the anti-racism grievances procedures as set out in this section will continue to apply.

3.2.1 Introduction

a) The NSW Department of Education and Training rejects racism in all its forms. It is committed to the elimination of racial discrimination - including direct and indirect racism, racial vilification and harassment - in its organisation, structures and culture, in its curriculum and in the learning and working environments for which it is responsible.

b) The Department will ensure that all employees understand and fulfil their responsibilities in implementing the anti-racism policy and these grievance procedures. This will be done through the provision of support and, if necessary, appropriate disciplinary sanctions.

c) From time to time, staff, students, parents or community members may have complaints about racist incidents or racist practices in schools or other areas of the Department. The Department is committed to fair and speedy resolution of all such complaints. Wherever possible, they will be resolved at the local level and with the maximum of confidentiality.

d) These guidelines set out the procedures to be used to resolve complaints about racism. They complement the Department’s anti-racism policy. While these internal procedures will resolve most complaints, those involved retain their right to seek the intervention of external bodies such as the Anti-Discrimination Board and the Ombudsman.

3.2.2 Making a Complaint

a) Any person or group of people with a complaint should seek assistance from the nominated anti-racism contact officer in their workplace. The person or group of people making the complaint should have either directly experienced or observed the alleged racist behaviour or practice.

b) They may approach any staff member to help them bring their complaint to the contact officer. A parent/guardian may lodge a complaint on behalf of their child.

c) The nominated contact officer will:

- obtain the details of the complaint and take careful notes;
- inform the person(s) making the complaint of:
  i) the process by which the complaint will be investigated and the confidential nature of that process;
  ii) their right to be protected from victimisation for making the complaint;
  iii) their right to approach an external body such as the Anti-Discrimination Board or Ombudsman.

3.2.3 Investigating the Complaint

a) The contact officer will immediately refer the complaint to a member of the school executive or senior officer for action.
b) The executive staff member or senior officer together with the contact officer will:

- interview the person(s) who made the complaint and any other person who may be able to assist the investigation;
- interview the person or group against whom the complaint is made and inform them of the investigation process and their rights;
- if appropriate, seek resolution of the issue by conciliation to the satisfaction of all parties;
- prepare a written report for the principal or other senior officer. If the principal or the senior officer is the subject of the complaint, or if the complaint is about school wide practices, the report should go to the district superintendent and the assistant director-general.

c) This report must be made within five working days of the contact officer receiving the complaint. If resolution through conciliation has not been possible, the report will include a clear recommendation on what action is to be taken.

d) Any of the parties involved in the above interview and conciliation process may bring another person to the meeting for support and should be made aware of this well ahead of time. Community groups should be represented by no more than two people, in addition to the person(s) making the complaint. Where any of the persons involved is of non-English speaking background or is hearing impaired, access to a professional interpreter must be offered.

3.2.4 Making a Decision

The principal or other senior officer as appropriate will:

- Decide on appropriate action. This may include a further attempt to resolve by conciliation.
- Advise all parties of the action and the reasons for it. The action taken may include:

  For employees:
  - provision of a support program;
  - requiring staff to participate in an anti-racism development program;
  - formal disciplinary action;
  - dismissal of the complaint as groundless.

  For students:
  - provision of a student welfare program including, as appropriate, a stronger emphasis on anti-racism perspectives in the school's overall curriculum;
  - disciplinary action within the context of the school's Fair Discipline Code;
  - dismissal of the complaint as groundless.

- Advise the person(s) who made the complaint and any individual(s) found to have acted in a racist manner, of their right to appeal and how to do so.

3.2.5 Appeal

a) Should the person(s) making the complaint, or the person(s) found to have acted in a racist manner, be unhappy with the decision, they may appeal to the next most senior officer within twenty working days. For example, if the decision was made by a principal, appeal can be made to the district superintendent.
3.2.6 Further Action

The principal or other senior officer will be responsible for regular monitoring of the situation to ensure that the recommended actions are implemented.