



Complaints Handling Policy

January 2021

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VERSION HISTORY				
VERSION	APPROVED BY	REVISION DATE	DESCRIPTION OF CHANGE	AUTHOR
1	Head of College	2015	Implementation	Head of College
2	Head of College	2018	Revised	Deputy Head of College
3	Head of College	2020	Revised	Deputy Head of College

*Next review of policy to take place in December 2022 by Deputy Head of College

Complaints Handling Policy

About this policy

St Mary and St Mina's Coptic Orthodox College welcomes feedback from all members of the College community and takes all complaints or concerns that may be raised seriously. This Complaints Handling Policy is designed to assist you to understand how to make a complaint.

1. What is a complaint

A complaint is an expression of dissatisfaction made to St Mary and St Mina's Coptic College, related to our services or operations, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected.

Complaints and allegations of staff misconduct or reportable conduct are managed separately to other complaints. Refer to the section at the end of this policy – Complaints and Allegations of Staff Misconduct or Reportable Conduct for more information.

Furthermore, this procedure does not extend to complaints which are whistleblowing disclosures. The procedure for processing whistleblowing complaints are dealt with the College's Whistleblower Policy.

In summary a whistleblowing disclosure is a disclosure which:

- is made by a board member, staff member, a person who supplies goods or services to the College, including a volunteer, an employer of a supplier or a relative of any of these people;
- involves alleged misconduct, an improper state of affairs or circumstances, or illegal activity, and
- is made to a senior staff member, or officer of the College, the College's auditor or a person who the College has authorised to collect such disclosures.

2. Informal Complaints Resolution

The vast majority of issues causing concern in Colleges can be handled quickly and in an informal manner. We therefore ask that, where appropriate, you first raise your concern directly with the relevant staff member.

How do I make a Formal Complaint?

If you have been unable to resolve a matter informally, or simply wish to make a formal complaint you can do so by contacting the Relevant Contact Person listed below:

Academic Concerns in the Senior College > Deputy Head of College

Pastoral Care Concerns in the Senior College > Deputy Head of College

All other matters in the Senior College > Head of College

All matters in the Junior College > Head of College

All formal complaints will be managed in accordance with the following procedure.

3. Our Internal Complaints Handling Process

Step 1 – All valid complaints will be acknowledged in writing, as soon as practicable, and allocated a status, priority and target resolution date. It is our policy, where possible, to resolve all disputes within 14 days.

Step 2 – The Relevant Contact Person will conduct an investigation into the issues raised, following principles of procedural fairness, and make a determination.

Step 3 – Following the determination, if appropriate, the Relevant Contact Person will formulate a resolution and provide a written response to the complainant. The matter will be closed if this response is accepted.

Step 4 – If the initial response is not acceptable the matter will be reviewed internally by the Head of College who may seek additional information or submissions from the relevant parties. The Head of College seek to resolve all disputes within 14 days from the date that the review process is initiated. The matter will be closed if the response of the Head of College is accepted.

Step 5 – If the matter remains unresolved, the complainant may pursue external resolution alternatives including contacting the College board at copticeducationboard@stmary.nsw.edu.au.

4. Confidentiality

Confidentiality applies with respect to both information relating to the person making the complaint, and, if relevant to a person against whom a complaint is made. The College is committed to maintaining the confidentiality of information throughout the complaints process.

Personally identifiable information about a complainant will only be made available for the purpose of addressing the complaint and (unless the complainant consents) will be actively protected from disclosure.

5. Complaints and Allegations of Staff Misconduct or Reportable Conduct

Complaints and allegations of staff misconduct and/or reportable conduct are managed by the College in a different manner to other complaints. This is because the College has legal obligations to report certain staff conduct to external authorities. Staff misconduct is a broad term that could include breaches of professional boundaries, codes of conduct or standards of behaviour, whereas reportable conduct is a term defined in law as including:

- any sexual offence or sexual misconduct, committed against, with or in the presence of a child (including child pornography offences, sexual touching or an offence involving child abuse material) including grooming behaviours
- any assault, ill-treatment or neglect of a child

- any behaviour that causes psychological harm to a child (whether or not, in any case, with the consent of the child).

If your complaint relates to alleged staff misconduct or reportable conduct please make your complaint to the Head of College, or if this person is the subject of your complaint please notify the Deputy Head of College.

For more information, please refer to the Complaints Handling Process Flowchart below

[COMPLAINTS HANDLING PROCESS SUMMARY](#)

Continue reading for more information regarding the Colleges Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct.

6. Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct

6.1 Introduction

Complaints regarding allegations of staff misconduct and reportable conduct are managed in a different manner to other complaints received by the College. This is because often these complaints are of a sensitive nature and raise potential privacy and confidentiality issues.

St Mary and St Mina's Coptic Orthodox College requires all staff to comply with a Code of Conduct and standards of behaviour that are intended to prevent staff misconduct and reportable conduct, and staff are encouraged to report any breaches of the Code or standards.

It is also critical that the broader College community reports staff misconduct and reportable conduct (both defined below) to ensure the safety and wellbeing of students, and that the College complies with its legislative reporting obligations. St Mary and St Mina's Coptic Orthodox College has a legal obligation to investigate and report to the Office of Children's Guardian all allegations of reportable conduct made against staff at the College as defined by the Children's Guardian Act 2019 (the Act).

For the purposes of this policy, "staff" and "staff member" is defined to include teaching and non-teaching staff, Board members, volunteers, contractors and external providers.

6.2 Definition of Staff Misconduct

The College defines "staff misconduct" as conduct by a staff member that:

- breaches the College's Code of Conduct or other key policies/procedures
- displays purposeful neglect of duties/responsibilities
- involves alcohol and/or other substance abuse
- is physically, verbally or emotionally abusive
- endangers the safety or wellbeing of students or others at the College.

Definition of Reportable Conduct

Section 20 of the Children’s Guardian Act 2019 defines reportable conduct as:

- a sexual offence;
- sexual misconduct;
- ill-treatment of a child;
- neglect of a child;
- an assault against a child;
- an offence under section 43B (failure to protect) or section 316A (failure to report) of the Crimes Act 1900; and
- behaviour that causes significant emotional or psychological harm to a child.

Some examples of conduct that would not constitute reportable conduct include touching a child to get their attention, guide them or comfort them, a teacher raising their voice to attract attention or restore order in a classroom, or conduct that is established to be accidental. The College closely follows the Office of the Children’s Guardian guidance on this issue provided in the [Identifying reportable allegations fact sheet](#).

6.3 Making a Complaint or Allegation of Staff Misconduct or Reportable Conduct

If you would like to make a formal complaint or allegation of staff misconduct or reportable conduct, you can do so by:

1. Sending an email to the Head of College.
2. Writing a letter to the College addressed to the Head of College.
3. Telephoning the College and asking to speak to the Head of College.

If the Head of College is the subject of your complaint or allegation of misconduct or reportable conduct, please contact the Deputy Head of College who will immediately report to the Chair of the College Board.

Investigating and Managing Staff Misconduct and Reportable Conduct

The College initially investigates all complaints and allegations to determine whether the conduct in question amounts to staff misconduct, as defined in this policy, or reportable conduct that must be further investigated and reported to the Office of Children’s Guardian. All investigations uphold the principles of procedural fairness and confidentiality – information is only shared with those who need to know. The College closely follows the Office of the Children’s Guardian guidance on this issue provided in the [Recognising and managing conflicts of interest fact sheet](#).

6.4 Staff Misconduct

When a complaint or allegation does not include conduct that is defined as reportable conduct following the College's initial investigation, and it is determined through the College's investigation that staff misconduct has occurred, the College will notify the complainant of the finding and corrective actions that will be taken. Staff misconduct is managed through the policies and procedures relating to internal grievances, discipline and termination.

6.5 Reportable Conduct

When a complaint or allegation does include conduct that is defined as reportable conduct following the College's initial investigation, the College is required by law to report the allegation to the Office of the Children's Guardian within seven business days after becoming aware of the allegation or conviction. The College will also conduct an initial risk assessment before notifying the Office of the Children's Guardian to provide information about how risks are being managed.

The College must conduct an internal investigation, led by the Head of College or an accredited investigator and provide a finalised report or an interim report on the status of the investigation to the Office of the Children's Guardian within 30 calendar days. When conducting an internal investigation, the College follows the NSW Reportable Conduct Scheme's [Practice Guide: Planning and Conducting an Investigation](#).

In cases where a child is at immediate risk of serious harm, the College has a duty to take prompt and decisive action to manage those risks. That may mean taking immediate steps to cease and prevent further contact between the staff member and the child who is the alleged victim of reportable conduct or any other children. It may also involve securing forensic evidence.

If a reportable allegation requires a report to Police, this will be the first step taken after addressing any significant risk to children or the investigation. If Police are conducting inquiries, the College will consult with the police officer in charge about any proposed action, including risk management action.

If a mandatory reporter has reasonable grounds to suspect that a child or children are at risk of significant harm, the College must immediately make a mandatory report to the Child Protection Helpline of the Department of Communities and Justice (DCJ).

After making any mandatory reports to Police and DCJ, if the allegation constitutes a reportable allegation, the College is required to notify the Office of the Children's Guardian within 7 business days of becoming aware of the reportable allegation.

6.6 Risk management following a reportable allegation

The College is responsible for ensuring that any risk a to a child(ren) is assessed and managed while responding to reportable allegations. This process includes:

- an initial risk assessment on receipt of a reportable allegation based on all relevant information known at that time;

- the risk assessment will be revisited and where appropriate adjusted during the investigation, as new information becomes known; and
- a final risk assessment will be undertaken at the end of the investigation.

When conducting the risk management, the College follows the NSW Reportable Conduct Scheme's guidance provided in the [Risk management following a reportable allegation fact sheet](#).

6.7 Making a Finding of Reportable Conduct

The investigation process aims to gather and examine information to establish facts and make findings in relation to reportable allegations. Regardless of the findings about the reportable allegation, the College is required to advise the Office of the Children's Guardian of the final actions it has taken, or will take, as a result of the investigation and the reasons for taking that action (or taking no action). To this end, the College will clearly document the analysis of how the evidence supports the findings and how the evidence has informed the final risk assessment and decision-making around action. When making a finding, the College must have regard to certain mandatory considerations outlined in the Act and also the principles of procedural fairness.

Once the final decision is made, the staff member will be informed in writing. They will also be informed of any relevant consequences and of any internal review or appeal options available to them.

When making a finding, the College follows the NSW Reportable Conduct Scheme's guidance provided in the [Making a finding of reportable conduct fact sheet](#).

6.8 Disclosing Information to the College Community

A parent or carer has a legitimate interest in being told of the process that is being followed to investigate an allegation that their child was a victim of staff misconduct or reportable conduct.

Information can often be provided to the parent, carer or child without the need to consider legal impediments to disclosure. However, legal impediments – real or feared – may discourage the timely and appropriate release of information, particularly in the case of reportable conduct allegations.

The College closely follows the Office of the Children's Guardian guidance on this issue provided in the [Disclosing information to children' parents and carers fact sheet](#).

Under section 57 of the Act, the College must disclose relevant information to:

- a child to whom the information relates,
- any parent of the child,
- if the child is in out-of-home care, any authorised carer of the child.

There are times when it may be appropriate to disclose information about the internal investigation to one of these involved parties but not another, for example, to disclose information to the child's parent, but not the child.

The College is permitted to disclose the following information to involved parties:

- information about the progress of an investigation,
- the findings of the investigation,
- any action taken in response to those findings,

however it considers all the circumstances of the complaint/allegation and investigation when determining if information should be disclosed.

This policy and procedures will be made available to all members of the college community via the College website www.stmary.nsw.edu.au. Parents will be notified about any changes to this policy via letters and College newsletter.

Annually, this policy and its procedures will be explained to staff by the Deputy Head of College at a whole school staff meeting Term 1. This policy and procedures also forms part of the staff induction program.

6.9 Where to Find More Information

The Office of the Children's Guardian has several informative fact sheets on the topic of reportable conduct and the College's obligations to report. For more information about the College's policies and procedures relating to staff misconduct, reportable conduct or complaints handling generally, please contact the Head of College.

Complaints Handling Process

