



# Complaints and Appeals Policy

Document Guardian      Headmaster  
Ratified by Headmaster      February 2021

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## 1 DEFINITIONS

- Grievance**      a real or perceived cause for complaint, often related to injury, wrong, injustice or offence, that may or may not be expressed to others. Grievances can be about decisions, outcomes, expectations, accountabilities, systems, processes, etc. Complaints can also be about people; School leaders, staff, students or parents.
- Complaint**      a communication to the School expressing a grievance whether or not a response or resolution is explicitly requested.
- Appeal**      a formal written application that an official decision be changed on the grounds that due process was not followed or natural justice was not upheld.
- Natural Justice**      or procedural fairness, is the minimum standard of fairness to be applied to the process of resolving a dispute.

## 2 PRINCIPLES

### 2.1 The School's Commitment

The School is thoroughly committed to high highest standards of ethics and to exceeding the requirements of relevant legislation and regulation, including those of the NSW Educational Standards Authority (NES). The School seeks to promote a safe, positive and supportive environment as the foundation of a harmonious community. In promoting a culture of trust the School seeks to be characterised by an openness to feedback, a willingness to admit to mistakes and acknowledge where improvements could be made, a preparedness to undertake dialogue on sensitive and difficult matters and a commitment to resolving matters of dispute.

### 2.2 Personal Practices

The School recognises that students, parents, staff and members of the wider School community will develop grievances about various matters including incidents, relationships, decisions and even the complaints management process. Where grievances develop, it seeks to prevent them from leading to disappointment, bitterness and resentment by encouraging open communications and the efficient and effective resolution of complaints and appeals. To this end, the School encourages members of the School community to observe the following practices.

- 2.2.1 Before allowing a grievance to take hold, individuals are encouraged to reflect on the source of the grievance, the role they played, whether the actions of the individual were justified, explicable and/or 'in character', and whether offense needs to be taken.
- 2.2.2 Individuals should consider embracing a generosity of spirit that enables them to overlook minor indiscretions, the matter forgotten and/or the offender forgiven.
- 2.2.3 Individuals should consider whether the grievance has merit or whether it is vexatious.
- 2.2.4 Grievances should be raised where doing so will address inappropriate decisions or behaviour, curtail mistreatment, prevent resentment developing and/or restore the relationship – and for these purposes alone.
- 2.2.5 Grievances should only be shared with those directly involved, with persons whose responsibility it is to resolve the matter and if necessary, a small number of discrete support persons, because to include others is likely to undermine the harmony of the School community.

## 3 PURPOSE

The purpose of this policy is to outline the means by which grievances are to be resolved, complaints and appeals expressed and managed, and relationships restored, including the relationship between the complainant and the School.

## 4 POLICY STATEMENT

- 4.1 Grievances should not be shared with other members of the School community or members of the wider community other than in a purposeful conversation focused on resolving the matter.
- 4.2 Grievances, complaints and appeals are to be expressed respectfully and non-emotively.



- 4.3 Any member of the School community who wishes to air a grievance or make a complaint should seek, in the first instance, an interpersonal resolution with the person concerned, or the person immediately responsible for the relevant area of School operation.
- 4.4 Where a complaint has not been satisfactorily resolved, or where a resolution has been ineffective, a complaint should be escalated.
- 4.5 Staff will promptly and objectively investigate complaints and consider appeals, manage them efficiently and expedite their satisfactory resolution. They will apply the principles of natural justice, inform the complainant of the outcome as well as the procedure should they wish to appeal a decision.
- 4.6 Complainants are entitled to have a support person (friend, relative, School staff member) not involved in the complaint attend meetings with School staff regarding the complaint, however the support person may not participate in the discussion.
- 4.7 Complaints and appeals will be managed by the School at no additional cost to the complainant.

## 5 HOW SHOULD I MAKE A COMPLAINT?

### 5.1 With whom should a complaint be raised?

The School seeks to manage complaints as close as possible to the source and so grievances should be expressed and complaints made to the person involved or most directly concerned however, when not possible or not appropriate, they should be communicated to the staff member identified in the Next Steps column of Table 1.

Complainant	Initially	Next Step	Escalate	
JS students	Person involved	Classroom teacher	Students' parent *	
SS students	Person involved	Tutor	Head of House *	
Parents	Person involved	Person responsible	... supervisors ...	Head of School or Business Manager
Staff	Person involved	Your supervisor	... supervisors ...	
Other	Person involved	School contact	Headmaster	

*Table 1 will be referred to throughout this Section.*

- 5.1.1 Junior School students – the Classroom Teacher will assist a student with their complaint, or where appropriate, advocate on their behalf.
- 5.1.2 Senior School students – whilst a Tutor may advocate on the student's behalf, their priority will be to promote the student's agency by assisting, supporting and/or coaching them to pursue the complaint for themselves.
- 5.1.3 Parents – should seek to speak to the person most likely responsible for the matter subject of complaint; if unsure to whom to direct their complaint, parents may call the office to ask for advice or direct an email to [feedback@bmgns.nsw.edu.au](mailto:feedback@bmgns.nsw.edu.au).

### 5.2 What if I wish to complain about a person?

- 5.2.1 Staff or parent complaints about a student should be raised in accordance with Table 1.
- 5.2.2 Staff or student complaints about a parent should be raised with a Head of School or the Business Manager.
- 5.2.3 Complaints about a member of staff should be first raised with them. If this does not lead to a satisfactory outcome, the complaint may be communicated to their supervisor.
- 5.2.4 Complaints about a Head of School or the Business Manager should be first raised with them. If this does not lead to a satisfactory outcome, the complaint may be communicated to the Headmaster.
- 5.2.5 Complaints about the Headmaster should be first raised with him before being directed in writing to the Chair of the School's Board of Directors at the School's postal address. It should be noted that the Chair of the School's Board of Directors is the highest School authority to which a complaint may be escalated. It should also be noted that unless the School has breached the law or a relevant regulation, there is no external source of accountability to whom a complaint may be made.

### 5.3 How should a complaint be raised?

Members of the School community who wish to air a grievance or make a complaint should communicate directly with the person concerned. All communications should be:

- 5.3.1 respectful - address the issue or behaviour, not the person;
- 5.3.2 focused on the single issue rather than complicating the matter with multiple issues;
- 5.3.3 specific, focusing primarily on primary sources rather than hearsay; and



5.3.4 as unemotive as possible - where emotions will impair effective communication, unless it is a matter of immediate safety, the complainant should delay making the complaint;

#### **5.4 By what medium should a complaint be made?**

Communication preferences are as follows.

- 5.4.1 face to face communications are preferred, as long as emotions are curtailed, as they almost always lead to the best outcomes;
- 5.4.2 telephone communications are the next best option, as more information can be conveyed in a voice than in written text; and
- 5.4.3 the last resort for complaints is to communicate in writing, however if this is the medium selected, letters or emails should be brief as detail will come out in subsequent communications.

#### **5.5 Who will manage my complaint?**

The staff member with whom the matter is raised will manage the complaint in most cases, although they may pass the complaint on to a person better suited to manage it. Complaints about very serious matters are likely to be managed by more senior staff.

#### **5.6 What should I do if a complaint is not satisfactorily resolved?**

- 5.6.1 Escalations also should seek to keep the matter 'close' to its source as possible.
- 5.6.2 Where communicating directly with the person concerned is not appropriate or has not resolved the matter, a complaint should be escalated to the person identified in the Next Steps column of the table.
- 5.6.3 Where a resolution is still not found the complaint may escalate their complaint by communicating with the person identified in the Escalate column of the table.
  - 5.6.3.1 Junior School students – after speaking with their teacher they may escalate the matter to a parent who will assist them thereafter, or where appropriate, advocate on their behalf.
  - 5.6.3.2 Senior School students – Parents of Senior School students are asked not to advocate on their children's behalf unless absolutely necessary, but instead to promote their agency and coach them in following the guidelines in this document. After speaking with their Tutor and cooperating with any instructions provided, if Senior School students are not satisfied, the Tutor may advocate on their behalf. If they are still not satisfied, the student may escalate the matter to their Head of House who will assist them thereafter.
  - 5.6.3.3 Parents and Staff - after speaking with the person responsible, they may escalate the matter to that person's supervisor and if again not satisfied, through successive layers of supervision. Complaints may eventually be escalated to the Head of School or the Business Manager; those to whom the Headmaster has delegated responsibility for operational matters in their section of the School. These leaders have the autonomy to make determinations to resolve complaints.
  - 5.6.3.4 Others - In the case of persons outside of the School, after speaking with the receptionist or their prime School contact, complaints may be escalated to the Headmaster's Office or one of the Executive if the Headmaster is not available.
- 5.6.4 The person in the grey box in each row of Table 1 is the end point of the complaint management procedure. They will either assist in bringing about a resolution or coach the student in doing so.

#### **5.7 Who will make the final decision?**

The staff member with whom the matter is raised is usually authorised to make a decision in relation to its resolution. Where this is not the case, they will either consult with the staff member who is or hand the management of the matter to that person.

#### **5.8 What should I do if I am not satisfied with the resolution of a complaint?**

If not satisfied with the School's resolution of a complaint, complainants are encouraged to consider the seriousness of the issue in deciding how far to escalate their complaint. Sometimes it may be best to accept the School's resolution. If the matter should be pursued, the following should be considered.

- 5.8.1 If no resolution can be found, complainants are asked to accept the School's approach to the management of the issue.
- 5.8.2 Where a complainant does not find the resolution acceptable, the matter should be escalated through relevant supervisors and eventually to the Head of School or the Business Manager; those to whom the Headmaster has delegated operational decisions for their area of responsibility. These leaders have the autonomy to make determinations to resolve complaints.

- 5.8.3 Complaints should only be escalated to the Headmaster only where they are about the manner in which the Head of School or the Business Manager has managed a complaint, not the decision that is ultimately made.

## **6 HOW WILL THE SCHOOL MANAGE A COMPLAINT?**

### **6.1 If about an illegal behaviour?**

Initially, the School must determine if the complaint requires a formal report to an external authority. If the complaint is about an illegal behaviour, the School will report the matter to the police and/or ensure that the complainant has done so. If the complaint is about a matter of Child Protection, the School will report the matter to the Department of Communities and Justice (DCJ). Thereafter the School will:

- 6.1.1 provide the external authority with information;
- 6.1.2 consult with the external authority; and
- 6.1.3 coordinate with the external authority.

### **6.2 All other complaints?**

The School may:

- 6.2.1 request further information from the complainant;
- 6.2.2 request or require information from others;
- 6.2.3 collect any additional information the School considers necessary to properly review the complaint;
- 6.2.4 meet individually with those involved; or
- 6.2.5 facilitate a meeting between those involved;

The School will:

- 6.2.6 clarify the complainant's desired outcome;
- 6.2.7 advise the complainant of the likely steps to be taken in relation to the complaint;
- 6.2.8 review and respond to the complaint or arrange for an appropriate person to do so;
- 6.2.9 advise any person(s) subject of a complaint of the nature of the complaint and seek their response;
- 6.2.10 advise both the complainant and any person(s) subject of a complaint of the School's response to the complaint and if appropriate, any proposed action to be taken; and
- 6.2.11 seek to facilitate the restoration of any relationships damaged.

There may be circumstances in which some of the steps outlined above are not appropriate and the School will determine, in its absolute discretion on a case by case basis, the most appropriate method.

### **6.3 What support will the School provide?**

The School will be as supportive of the complainant as possible throughout the complaint management process. However, the complainant, and any person(s) that the complaint is about, may elect to have an appropriate support person present at any meeting with representatives of the School about the complaint. For some complaints it may not be appropriate for the support person to be a member of the School community. The School will ensure students are adequately supported through the complaints process.

### **6.4 Will the School provide a response?**

Complainants will receive written feedback regarding the outcome of their complaint in a timely manner, outlining the resolution and confirming any future actions the School will take. The School will also have a conversation with the complainant to confirm that they are satisfied with the outcome.

## **7 HOW DO I APPEAL A DECISION?**

Members of the School community may lodge an appeal in relation to a decision made by a member of staff.

- 7.1.1 Proper grounds for an appeal are, not that the decision was unfavourable but, that the decision was somehow flawed.
- 7.1.2 Well-founded appeals should be directed in writing to the immediate supervisor of the staff member responsible for the decision, within 10 working days of becoming aware of the decision.
- 7.1.3 This staff member will manage the appeal in most cases, however, they may need to pass it on to another staff member for a variety of reasons, including to ensure natural justice is upheld.

Members of the School community may further appeal the formal outcome of an appeal.

- 7.1.4 Proper grounds for a further appeal are, not that an initial appeal was not upheld but, that the person who managed the initial appeal has not observed the principles of natural justice.

- 7.1.5 It should be noted that the Chair of the School's Board of Directors is the highest School authority to which an appeal may be made.
- 7.1.6 It should also be noted that unless the School has breached the law or a relevant regulation, there is no external source of accountability to which parties may appeal.

## **8 PROCEDURES FOR AN EXTERNAL APPEAL**

Any complainant who is not satisfied with the result or conduct of an internal complaint handling and appeals process has the right to access an external complaints and appeals provider. The School advises that this measure only be accessed after all other alternatives have been explored.

### **8.1 Local Students**

Complainants acting on behalf of local students have the right to lodge an appeal through an external provider at their own cost.

### **8.2 Overseas Students**

Complainants acting on behalf of overseas students have the right to lodge an appeal at little or no cost through the Overseas Student Ombudsman who provides complaints and appeals services to intending, current or former overseas students who have unresolved problems with private education providers in Australia.

The contact details are:

Email [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)  
Telephone 1300 362 072 if within Australia or +61 2 6276 0111 if outside Australia  
Postal Address Commonwealth Ombudsman, GPO Box 442, Canberra, ACT 2601, Australia  
Website [www.oso.gov.au](http://www.oso.gov.au)

## **9 POLICY ADMINISTRATION**

### **9.1 Origins**

9.1.1 Requirements – This policy complies with:

- Registered and Accredited Individual Non-Government Schools (NSW) Manual
- Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) Requirements

9.1.2 Consultation – The author undertook consultation of senior BMGS staff in formulating this policy.

9.1.3 Acknowledgements – NIL.

### **9.2 Related Documents**

This policy replaces the Staff Complaints and Grievances Policy (2020).

### **9.3 Accessibility**

This policy will be made available to the School Community via the School's website and to staff via the staff intranet. The Guidelines will be made available to staff via a shared network drive and a summary will be made available to volunteers in their induction training/manual.

### **9.4 Implementation**

The Human Resources Custodian will introduce the policy to staff and thereafter, Human Resources Supervisors will clarify any questions staff have.

The Headmaster will summarise the policy for parents in writing and advise them of its location.

Heads of School will provide a summary of relevant procedures for their students.

### **9.5 Training**

Human Resources Supervisors will provide training to groups of staff periodically, individual staff where considered necessary, to volunteers in their induction training/manual and students at least annually.

### **9.6 Communication**

Reminders are communicated to staff, parents and students at the start of each year.

### **9.7 Compliance**

Supervisors will monitor their staff for compliance with this policy. If complaints are escalated unnecessarily supervisors will request that complainants direct their complaints to the appropriate person.

### **9.8 Review and Evaluation**

The Document Guardian will coordinate a review as necessary or at the date specified consulting with the Executive and users.

