

**SALAMAH COLLEGE**  
Education Faith Discipline



**COMPLAINTS,  
GRIEVANCES, &  
CONFLICTS OF  
INTEREST POLICY**

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## INTRODUCTION

Salamah College values the feedback it receives from staff, parents, the students and the community. Responding to both affirmative and negative feedback demonstrates the School's commitment to open communication with the School community and general public. Complaints, Grievances, and Conflicts of Interest about any aspect of the School's operations, service or personnel will be handled responsively, openly and in a timely manner, with the aim of resolving any complaint via an articulated process and respecting the confidential nature of such matters. Grievances and/or complaints are treated as constructive suggestions that may be used to improve standards and may prevent cause for further complaint.

## PURPOSE

This policy will:

- Improve the whole school community level of the satisfaction
- Recognise, promote and protect stakeholders' rights, including the right to comment and complain
- Ensure that the conflict of interest, grievances, and complaint handling process is comprehensive and transparent when dealing with the matter on a case by case basis.
- Specifies a process to be applied to such grievances and conflict of interests when raised with the school and makes clear that the school will decide the most appropriate method of.
- Provide an efficient, fair and accessible mechanism for resolving disputes, conflicts of interest, complaints and/or grievances about matters at work in accordance with the principles of natural justice

## DEFINITIONS

### ***What is a conflict of interest?***

A conflict of interest arises when a decision maker has a personal interest in the outcome of their decision which may undermine their impartiality in coming to their decision or where an independent observer might reasonably conclude that the decision maker was unduly influenced by their personal interests.

Conflicts of interest can be actual, perceived or potential:

**Actual:** involves a direct conflict between current duties and responsibilities and existing private interests

**Perceived:** where it could be perceived, or appears, that private interests could improperly influence the performance of duties, whether or not this is in fact the case

**Potential:** where private interests could conflict with official duties.

A conflict of interest can be pecuniary (involving financial gain or loss) or non-pecuniary (based on enmity or amity). A conflict of interest can arise from avoiding personal losses as well as through gaining personal advantage, financial or otherwise.

An example of a conflict in the context of a TAA would be where the Prime Authorised Delegate (or a relative or close associate of that person) assessing or making an accreditation decision about a teacher, owed some obligation to the person being assessed.

## PRINCIPLES

### Responsiveness

Complaints need to be resolved openly and responsively. It is expected that all complaints will be acknowledged and resolved in a timely manner. The process and timeframes for resolution will vary depending on the nature, complexity and timing of the issue.

### Procedural Fairness

#### *What is a procedural fairness?*

Procedural fairness is a basic right of all when dealing with authorities. Procedural fairness refers to what are sometimes described as the 'hearing rule' and the 'right to an unbiased decision'. The process needs to be fair to both the complainant and the person/s against whom the complaint is being made. All parties must be protected from victimisation, discrimination or retribution. The process shall be based on the principles of natural justice, including the complainant's right to:

- Be heard
- Treat the complaint as a serious matter
- Be informed of the processes of complaints handling
- Be informed of the School's decision and reasons for that decision
- Impartiality in the investigation
- Impartiality of the decision-making
- An absence of bias by a decision-maker
- Allow provision of support person or other personnel

The person or section of the School about whom the complaint is made shall have the right to:

- Be advised of the identity of the complainant and the complaint
- Collect sufficient detail to enable them to gather information and prepare a response to the complaint
- Have the opportunity to respond to the person investigating the complaint and have their response taken seriously
- Be informed of the processes engaged in the complaints handling
- Be informed of the decision and reason for the decision.

It is important that those handling complaints should be independent of the issue of the complaint. If a conflict of interest arises for the staff member involved in the receipt or management of a complaint, the Principal will arrange for an independent staff member to continue with the process and hear the complaint. If the complaint involves the Principal, the Principal will inform the Chair of the Board.

### **Confidentiality**

To protect confidentiality and privacy, staff involved in handling complaints resolution must ensure that information is restricted only to those who genuinely need to know in order to deal with the complaint. Some information about the specific complaint may need to be disclosed to others during its resolution. The complainant needs to be informed of this.

### **Processes**

It is important that the initial process of handling complaints and grievances is supportive and utilises positive conflict resolution skills. Each complaint should be treated on the information available and actions that are appropriate to the individual complaint. Anonymous complaints will not be recognised or dealt with under this policy. The complaint form is submitted to Administration Manager for processing (refer to the Complaints Handling Flowchart).

## **COMPLAINTS, GRIEVANCES, AND CONFLICTS OF INTEREST PROCEDURE**

### **Procedure for Raising a Concern or Making a Complaint**

Salamah College acknowledges that concerns and issues exist that may be resolved informally without the need to follow a formal complaints handling process. In such cases complainants are encouraged to initially raise issues or concerns informally with the relevant person at the time of the issue arising. Discussing the issue or concern immediately and face-to-face may clarify the situation and resolve any misunderstandings satisfactorily. In the event that this does not resolve the issue, the complainant

should then contact the relevant Coordinator. Parents should contact the relevant staff member. If there is still a concern, then the person making the complaint should bring it to the attention of the Principal's Office. Should a complaint be made against the Principal this complaint should be put in writing and addressed to the Chair of the Board. Complaints received by Board Members must be referred to the Chair of the Board, who will discuss the matter with the Principal.

## 1. Introduction

Salamah College recognises that staff members may have conflict of interest, complaints and/or grievances about matters at work, including about:

- work relationships; and
- decisions made by other staff members which impact on their work.

## 2. Who does this complaints and grievance procedure apply to?

This complaints, grievances, and conflicts of interest procedure applies to all employees and contractors across the and/or and applies to general complaints and grievances.

If you have a grievance about unlawful discrimination, harassment or bullying please see the [Discrimination, Harassment and Bullying Statement].

## 3. How should a grievance be raised?

If you have a grievance, you should, if it is appropriate, try in the first instance to address the grievance directly with the person involved.

If you have a grievance that cannot be resolved directly with the person involved, you should:

- a) In the first instance, raise it with the Coordinator; or
- b) if it is not appropriate that it be raised with Principal, raise your grievance with the Chair of the Board.
- c) If you have any queries about using this grievance process, you should contact AIS for advice.

## 4. What will the School do if a complaint and/or grievance is raised?

Salamah College will determine the most appropriate method of dealing with the grievance. This could include:

- a) requesting further information from you;
- b) requesting information from other co-workers or third parties;
- c) meeting with you or others involved in the complaint and/or grievance;
- d) reviewing and responding to the complaint/and or grievance or arranging for an appropriate person to review and respond to the complaint and/or grievance; or
- e) facilitating a meeting between you and the person(s) that the grievance is about.

On receipt of a grievance Salamah College will generally take the following steps:

- a) determine the best method of handling the complaint and/or grievance;
- b) advise you of the likely steps that will be undertaken by Salamah College in relation to the complaint and/or grievance;

- c) advise the person(s) that the grievance is about of the nature of the complaint and/or grievance and seek their response;
- d) collect any additional information Salamah College considers necessary to properly review the grievance; and
- e) advise both you and the person(s) that the complaint and/or grievance is about Salamah College's response to the complaint and/or grievance and if appropriate, any proposed action to be taken.

However, there may be circumstances in which some of the steps outlined above are not appropriate and Salamah College will determine, in its absolute discretion, on a case by case basis the most appropriate method of handling the complaint and/or grievance.

A staff member who raises a complaint and/or grievance and the person(s) that the grievance is about may elect to have an appropriate support person present at any meeting with representatives of Salamah College about the grievance. However, depending on the nature of the complaint and/or grievance it may not be appropriate for the support person to be a work colleague.

## 5. General

This complaint and/or grievance procedure is not a term of any contract, including any contract of employment. This complaint and/or grievance procedure may be varied from time to time.

### Procedure for Salamah College TAA Complaints and Grievances

The Salamah College TAA will apply the '*hearing rule*' and the '*right to an unbiased decision*', when handling a complaint about process or a decision regarding accreditation in the following manner:

1. Make the person against whom the complaint is about aware of what the allegations related to a specific matter are and provide him or her any other information which will be taken into account in considering the matter
2. Explain to the person against whom the complaint is about that teachers and other stakeholders have a right to raising matters of concern in the teacher accreditation process
3. Explain to them that Prime Authorised Delegate is responsible for handling their complaint except if the complaint is made against him in which case the matter will be referred to the chairman of the board
4. Explain to them process by which the matter will be considered
5. Provide them with a response to the allegations
6. Provide them with a timeframe as to when such response to the allegations will be provided
7. Explain to them that all documents pertaining to the allegation against them is confidentially held under lock and key in the main Administration building and that the person in charge in keeping these documents without the right to view such documents is the Salamah College TAA Upload Officer Upload Officer
8. Explain to them how to seek a review of the decision made in response to the allegations
9. Ensure through this process their 'right to an unbiased decision' which includes their right to:
  - a. impartiality in the investigation
  - b. impartiality of the decision-making
  - c. an absence of bias by a decision-maker

## **Procedures Managing the Risk of Conflict of Interest**

Salamah College TAA Prime Authorised Delegate mitigates the risk of conflict of interest and manages any conflicts of interest that may arise in exercising his authority as a delegate of the Salamah College TAA

Prime Authorised Delegate will avoid situations in which his or her personal interests or the interests of a relative or close associate may conflict either directly or indirectly with decisions made by the authorised delegate, whether the conflict is actual, perceived or potential.

Such conflicts of interests include but are not limited to related party transactions, and will be disclosed and noted as outlined in the Salamah College TAA's procedures.

A 'related party transaction' includes any transaction through which Prime Authorised Delegate, acting on behalf of the Salamah College TAA provides a financial or other tangible benefit to a related party such as themselves, their spouse, other relatives or close associates and other related organisations.

## **Mitigating Conflict of Interest**

Where the Prime Authorized Delegate is aware of an actual, perceived or potential conflict of interest including an instance with a family member, he/she will bring such matters to the attention of the Salamah College TAA and mitigates the ensuing risk in a way that is acceptable to the Salamah College TAA by absenting himself or others from participating in any associated decision-making or advisory role where a conflict of risk exists. If a matter of conflict arises with Salamah College TAA, appoint Al Amanah College TAA to oversee the issue.

The Salamah College TAA Upload Officer Upload Officer maintains a register of the annual declaration by the authorised delegate in relation to any actual, perceived or potential conflict, including related party transactions of the authorised delegate. These are the same declarations used by the Governance Body of Salamah College.

The register is located at main Administration Office in the filing cabinet under lock and key and is updated annually by Salamah College TAA Upload Officer Upload Officer, within a week of the commencement of the school year and on any occasion that the authorised delegate notifies that they have become aware of any actual, perceived or potential conflict of interest.

The Salamah College TAA Upload Officer Upload Officer maintains records in the register for a period of seven (7) years before archiving or disposing.

## Process for Resolution

Positive resolution of a complaint steps:

1. Seek resolution at the level at which the complaint is made
2. Gain agreement of the parties
3. Consider all relevant information and views of all parties
4. Consider the School's policies

Management of complaints resolution needs to reflect the following:

- Complainants should be told the process for complaint resolution and an indication of how long it will take to deal with a complaint
- Complainants should be kept informed of progress on resolving the complaint where relevant. It is expected that written complaints be acknowledged within 7 days of receipt. The proposed timeframe required to resolve the complaint should be indicated to the complainant as early as possible in the process and may vary according to the nature, complexity or timing of the complaint.

## Record Keeping

All complaints that cannot be resolved informally will be recorded by the staff member handling the complaint and kept on the relevant file/s. Details should include:

- The nature of the complaint
- Dates and names of parties concerned
- Staff members involved in handling the complaint
- Complaint Handling Form
- Action taken and outcomes
- Record of Meeting of Interviews
- Witness Records



**GUIDELINES: GRIEVANCE PROCEDURE****This guideline is for use by the Employer**

1. The Grievance Procedure is a guideline as to how the School will deal with grievances raised by staff members.
2. The Grievance Procedure should clearly set out the way in which a staff member can raise a grievance. It should also set out how a grievance can be escalated if it is not resolved.
3. The template Grievance Procedure has been drafted for general grievances. For grievances relating to unlawful discrimination, harassment and bullying, staff members are referred to the Discrimination, Harassment and Bullying Statement. The grievance procedures in the Grievance Procedure and the Discrimination, Harassment and Bullying Statement are in the same terms except that the Discrimination, Harassment and Bullying Statement provides for grievances about the Principal to be raised with the Chairman of the School Council. It is important that such an escalation procedure be available for grievances about unlawful discrimination, harassment and bullying. However, we do not consider that such an escalation is generally appropriate in relation to general grievances.
4. It is important to remember that employees covered by an award or enterprise agreement will also be covered by the dispute resolution procedures in that award or enterprise agreement.
5. For example the dispute provisions in the AIS **model** enterprise agreements, the *Educational Services (Schools) General Staff Award 2010 (General Staff Award)* and the *Educational Services (Teachers) Award 2010 (Teachers Award)* all broadly provide:
  - (a) in the event of a dispute the parties must attempt to resolve the matter at the workplace by discussions between the employee and the person involved or if that does not resolve the dispute, the employee and the person(s) nominated by the Principal (ie in accordance with any procedures adopted by the School);
  - (b) if a dispute is unable to be resolved at the workplace, and all appropriate steps under the dispute procedures have been taken, a party to the dispute may refer the dispute to Fair Work Australia; and.
  - (c) Fair Work Australia can conciliate the dispute. Generally, the School must consent before Fair Work Australia can conduct an arbitration and make a binding decision about a dispute.
6. The steps in the template Grievance Procedure are broadly the same as those contained in the AIS **model** enterprise agreements, the General Staff Award and the Teachers Award, except that it does not refer to an employee's ability to refer the matter to Fair Work Australia. This is because the Grievance Procedure sets out the internal procedures for handling a grievance. Further the ability to refer the matter to Fair Work Australia applies to most but not all employees.
7. If your School has modified the AIS model enterprise agreements or negotiated your own enterprise agreements you should check the applicable dispute procedures as they may be different to those outlined above and ensure that the Grievance Procedure is broadly consistent with any dispute resolution provisions in those enterprise agreements.
8. As set out above we do not recommend that the Grievance Procedure be overly prescriptive. The Grievance Procedure will be used to deal with a range of different grievances some of which may be relatively minor and others which may be more serious. In these circumstances it is important for the School to retain some flexibility to determine the most appropriate method of dealing with the grievance.
9. If the School does introduce a prescriptive grievance procedure then the School will need to ensure that it complies with all of the required steps in the procedure, otherwise this could lead to legal claims against the School – for example:
  - (a) an unfair dismissal claim by an employee alleging that the termination of their employment was procedurally unfair because the School did not follow its own Grievance Procedure;
  - (b) a breach of contract claim that the terms of a policy or procedure have been incorporated into their employment contract so that if the School fails to comply with the terms of the policy or procedure there is a breach of contract in respect of which the employee can obtain damages. While the recent AIS template employment contracts make it clear that policies do not form part of the contract of employment there may be some employees employed under older contracts which do incorporate policies;

an employee may allege that an employer has engaged in misleading and deceptive conduct in relation to the content of a policy or procedure it implemented but with which it did not comply.

