

# NSWCCPE COMPLAINTS AND GRIEVANCE POLICY

## 1. Purpose

This Policy is adapted from the Complaints and Grievance Policy of the Australian University College of Divinity, with the aim of producing a document that closely conforms to the principles and procedures operating across the Member Institutions of the AUCD. The NSWCCPE adaptation of the policy applies to students enrolled in CPE and Supervisor Education units conducted by the NSW College of Clinical Pastoral Education (NSWCCPE). It also applies to Supervisors-in-Formation, CP Supervisors, CP Educators and CP Education Consultants accredited or given permission to function by NSWCCPE. It sets out the principles and procedures for responding to a request from a CPE student or supervisor for a review of a decision and/or an appeal against a decision. It also sets out the principles and procedures for responding to a complaint or a grievance lodged by a NSWCCPE student or supervisor.

The policy aims to ensure that NSWCCPE students, Supervisors-in-Formation and provisional and accredited CP Supervisors, CP Educators, and Education Consultants have access to a fair process should they wish to raise a concern relating to their current or past involvement with NSWCCPE. It also commits NSWCCPE to deal with complaints, grievances and review requests in a timely manner and without bias.

This policy is authorised by the NSWCCPE Council as the body responsible for governance and for the effective functioning of this policy.

## 2. Application

2.1 This Policy applies to all students who are prospective, currently enrolled, or recent graduates of the NSW College of Clinical Pastoral Education and to Supervisors-in-Formation, Clinical Pastoral Supervisors, Educators and Education Consultants who are members of the NSW College of CPE.

2.2 It sets out the process to be followed by students and supervisors seeking a review or wishing to make a complaint or formulate a grievance.

The process is as follows:

- 1) initiate a *request for review of a decision* (Stage 1: Informal)
- 2) raise an *appeal* (Stage 2: Informal)
- 3) lodge a *complaint* (Stage 3: formal)
- 4) file a *grievance* (Stage 4: formal)

2.3 It relates to NSWCCPE decisions concerning:

- interview and acceptance processes
- credit for successful completion of a CPE unit or supervisor education unit
- marking and grades
- issue of certificates
- conduct and progression within CPE units and supervisor education units
- placement location and specialisation requests
- customer service and administration
- marketing and information
- facilities

- fees and financial matters
- student wellbeing issues
- request for transfer between CPE Centres
- deferral, suspension or cancellation of enrolment

2.4. This Policy does not apply to complaints about sexual harassment or assault. See the Sexual Harassment Policy in this Handbook.

### 3. Definitions

| Term                                  | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Request for Review of Decision</i> | The first stage of this policy in which an enrolled or prospective student or supervisor makes a request to NSWCCPE to 'reconsider' or 'review' a decision made by NSWCCPE                                                                                                                                                                                                                                                                                                                                                                               |
| <i>Raise an Appeal</i>                | The second stage of this policy in which a student or supervisor who is unsatisfied with the outcome from Stage 1 may escalate the issue to the NSWCCPE President by raising an Appeal.                                                                                                                                                                                                                                                                                                                                                                  |
| <i>Lodge a Complaint</i>              | The third stage of this policy in which a student or supervisor who is unsatisfied with the outcomes from Stages 1-2 may lodge a formal Complaint with the Complaints Officer appointed by the NSWCCPE Council.                                                                                                                                                                                                                                                                                                                                          |
| <i>File a Grievance</i>               | The fourth stage of this policy in which a student or supervisor is unsatisfied with the outcomes from Stages 1-3 files a formal Grievance with the NSWCCPE Council.<br>The Council appoints a Complaints Committee who will investigate the matter and report as soon as possible but no longer than 4 weeks.<br>If the student or supervisor remains unsatisfied with the outcome the student or supervisor may request the Council to refer the matter to the Student Ombudsman in the case of a student or to mediation in the case of a supervisor. |
| <i>Complainant</i>                    | The person making a complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <i>Grievant</i>                       | The person making a grievance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <i>Complaints Committee</i>           | The group appointed by the NSWCCPE Council to investigate and report on a grievance that has been filed by a student with the Council in relation to an unresolved matter.                                                                                                                                                                                                                                                                                                                                                                               |
| <i>Respondent</i>                     | The person responsible for addressing the request, appeal, complaint or grievance whether formal or informal.                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <i>CPE Supervisor / Teacher</i>       | The person accredited, or granted permission, by the NSWCCPE Council to conduct a CPE unit or a Supervisor education unit or to teach a particular unit of study.                                                                                                                                                                                                                                                                                                                                                                                        |
| <i>Staff</i>                          | Any person currently employed by the NSWCCPE Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <i>Prospective Student</i>            | Any person seeking to enrol in a CPE unit or a supervisor education unit through NSWCCPE                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <i>Supervisor</i>                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|                                      | Any person granted permission by NSWCCPE to function as a Provisional Supervisor, as a Provisional Educator or as a Provisional Education Consultant or who is                                                                                                                                                                                                                                                                                                                                                                            |  |
| <i>Supervisor-in-Formation (SIF)</i> | accredited as a CP Supervisor, CP Educator, or Education Consultant<br>Any person granted permission by NSWCCPE to function as a Provisional CP Supervisor or Provisional CP Educator who has not been accredited as a CP Educator                                                                                                                                                                                                                                                                                                        |  |
| <i>Student Ombudsman</i>             | The official external person appointed to address grievance processes where an outcome has not been satisfactorily reached through the internal institutional policy and processes and where that process is now exhausted. Information about contacting state-based representatives can be found on the <i>Study Assist</i> website: <a href="https://www.studyassist.gov.au/support-while-you-study/higher-education-student-complaints">https://www.studyassist.gov.au/support-while-you-study/higher-education-student-complaints</a> |  |
| <i>Support Person</i>                | Means any individual who accompanies for the purpose of providing support to the student or responder (such as a family member, friend, counsellor or other professional support person but not a legal practitioner). Noting that such a person is not there to advocate, speak or act on behalf of the individual they are supporting.                                                                                                                                                                                                  |  |

#### 4. Policy Intentions

4.1 This Policy and its associated Procedure recognises that effective management of concerns:

- contributes to an improved educational environment for students
- assists NSWCCPE to improve students' and supervisors' experience by identifying areas of risk and areas for improvement.

4.2 The policy provides students and supervisors with access to a clearly outlined four-stage process for handling Requests for Review, Appeals, Complaints and Grievances. It contains both informal and formal stages that encourage students and supervisors, in the first instance, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned. In addition

4.2.1 Enrolled students accessing any stage of this process remain enrolled in their program whilst the process is ongoing and until a final decision has been made. In the case of supervisors, they will continue to function as supervisors until a final decision has been made.

4.2.2 If any part of the process results in a decision or recommendation in favour of the student or supervisor, NSWCCPE must immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision and advise the student or supervisor of that action (National Code, Standard 10, item 10.4).

4.3 Students and supervisors no longer enrolled in a NSWCCPE unit and wishing to lodge a grievance retrospectively should direct their grievance to the NSWCCPE Complaints Officer.

4.4 Enrolled students or supervisors wishing to raise issues or concerns should direct their initial enquiry to the NSWCCPE Contact Person.

4.5 The following principles govern the process of dealing with review requests, appeals, complaints and grievances:

- *Confidentiality*: All parties have a basic obligation to maintain confidentiality. However, procedural fairness requires that the respondent knows who has raised a Request for Review, Appeal, Complaint or Grievance.
- *Procedural Fairness*: Both the complainant and the respondent must receive appropriate information, support, and assistance in resolving the issue. Processes followed are transparent, consistent and supported by ethical and equitable practices.
- *Freedom from Unfair Repercussions or Victimization*: NSWCCPE will take all necessary steps to ensure that victimization does not occur. Any staff member or supervisor who is shown to have victimized a student will be subject to appropriate disciplinary action.
- *Respect for all Parties*: All issues raised, whether as a Request for Review, Appeal, Complaint or Grievance must be dealt with sensitively, and with care for all involved.
- *Timeliness*: Time limits set out in this Policy are aimed to enable a swift and efficient resolution to the issues raised. However, they may be altered by the NSWCCPE for the purposes of properly considering the matter with the consent of all parties. All parties should be kept informed of the progress and advised if resolution of the matter is likely to extend beyond the period noted, in writing if requested.
- A matter may be dismissed or discontinued at any time if found to be frivolous, vexatious or result in abuse, harassment or victimisation to any person.
- A student or supervisor may withdraw a Request for Review, Appeal, Complaint or Grievance at any stage.
- Where an issue results in the need for any meeting or hearing, the student or respondent may be accompanied by a Support Person. The Support Person:
  - 1) may not act as advocate
  - 2) may not be a person who was, or may be perceived to be involved in, or associated with the issue being managed
  - 3) must not be a legal practitioner unless permitted in writing by NSWCCPE

## **5. Procedure: Stages and Process**

### **Stage 1: Request for Review of a Decision (Informal)**

At the first stage, a student or supervisor requests NSWCCPE to 'reconsider' or 'review' a decision that has been made.

The Request for Review is to be made in writing by the student or supervisor stating the issue and the desired outcome. This request should be sent to the person immediately responsible for the issue raised by the student, i.e. to the supervisor of the CPE unit or to the teacher of the Supervisor Education unit, or to the Registrar for an admission decision.

Upon receipt of the Request for Review, the supervisor/teacher/registrar must:

- acknowledge receipt of the request within 5 business days
- clearly respond to the request in no less than an additional 5 business days
- provide information to the student or supervisor about the next available course of action in the event of the student's/supervisor's dissatisfaction with the outcome of this *Request for Review of Decision*.

## **Stage 2: Raise an Appeal (Informal)**

The second stage of this policy in which a student or supervisor who is unsatisfied with the outcome from Stage 1 may escalate the issue to the NSWCCPE President by raising an Appeal.

This Appeal is to be made in writing and must include grounds as to why the original and subsequent decision made concerning the matter has been insufficient. The appeal should also clearly identify the student's desired outcome.

The NSWCCPE President must:

- acknowledge receipt of the Appeal within 5 business days
- clearly respond to the Appeal in no less than an additional 5 business days
- provide information to the student about the next available course of action should the student be unsatisfied with the outcome of this raised *Appeal*
- provide a copy of the Appeal and the Response to the NSWCCPE Council

## **Stage 3: Lodge a Complaint (Formal)**

The third stage of this policy in which a student or supervisor who is unsatisfied with the outcomes from Stages 1-2 may lodge a formal Complaint with the Complaints Officer of the NSWCCPE Council.

Lodging a Complaint must be done in writing by the Complainant using the form supplied by NSWCCPE and must include documentary evidence from Stages 1 and 2. It must also clearly outline the Complainant's dissatisfaction with the decision, action, process or omission to which the NSWCCPE Council is asked to officially respond.

The Complaints Officer must:

- acknowledge receipt of the Complaint within 5 business days
- respond to the Complainant in no less than an additional 20 business days
- provide information to the Complainant about the next available course of action should the student be unsatisfied with the outcome of this lodged *Complaint*
- provide a copy of all documentary evidence including the response to the NSWCCPE Council

## **Stage 4: File a Grievance (Formal)**

In the event of a student or supervision being dissatisfied with the outcomes from Stages 1-3 the fourth stage involves the filing of a formal Grievance with the NSWCCPE Council requesting that an external review be conducted.

Filing a Grievance must be done in writing by the Grievant using the form supplied and must include documentary evidence from the previously actioned Stages 1-3. It must also clearly outline the dissatisfaction with a decision, action, process or omission, which the Grievant considers likely to be insufficient

The Secretary of the NSWCCPE Council must:

- acknowledge receipt of the Grievance within 5 business days

- outline the external process that will be conducted and the potential timeframe for the actions to occur and indicating when the next meeting of the Council is scheduled to take place at which the grievance will be tabled.

The NSW College Council will:

- appoint a Complaints Committee of two or three persons with relevant experience and external to NSWCCPE to investigate and report on the matter as soon as possible but at least within four weeks
- provide the Committee with relevant materials, including any further submission from the grievant
- invite one person to chair and coordinate the report of the Committee
- receive the report of the Committee
- communicate its contents to the Grievant, including clear and comprehensive written advice about the outcome
- provide information to the Grievant about the next available course of action should the Grievant be unsatisfied with the outcome of this filed Grievance

If the matter has been resolved to the Grievant's satisfaction, the Secretary of the NSWCCPE Council will:

- provide the Grievant with a letter noting the conclusion of the grievance process and the outcome
- report this process to Council, including the Complaints Committee Report and the letter provided

If the Grievant remains unsatisfied with the outcome the Grievant may

- 1) refer the matter to the Student Ombudsman for investigation and review in the case of a student
- 2) refer the matter for mediation to a Community Justice Centre in the case of a Supervisor.

The President of the NSWCCPE Council must provide a copy of all documentary evidence to the Student Ombudsman (domestic) or mediator as appropriate.

The President of the NSWCCPE Council must ensure that all documentation is stored in the secure Moodle Complaints site for at least seven years. These records remain confidential, except that: (a) any party to the Grievance will be allowed supervised access upon request  
(b) the Council may be required to report the matter to a government agency.