

Protocols and Procedures for Assessment Related Grievances, Appeals and Investigations

1. Introduction

This paper presents the SACE Board's protocols and procedures for:

1. Grievances – grievances that are made in respect of SACE assessment policies and procedures;
2. Appeals – the process that applies when a decision resulting from a grievance procedure is appealed;
3. Investigations – investigation procedures that are put in place when a significant departure from SACE Board assessment policy and procedure may have occurred.

The paper is related to the SACE Board's *SACE Assessment Responsibilities: SACE Board and Schools Code of Practice* that explains how the responsibilities for assessment and its integrity in the SACE are shared between the SACE Board and schools.

The paper recognises that at times, departures from assessment policy and procedure occur. Such departures, which may be deliberate or unintentional, have the capacity to undermine the integrity of the SACE Board's policies and may jeopardise students' achievement of the SACE. Equally, departures from assessment policy and procedure have the capacity to undermine the authority of both the SACE Board and the school, if the integrity of the assessment process, and the underpinning assessment policy, have been compromised.

It should also be emphasised that a statement of concern or complaint that a departure from SACE Board assessment policy and procedure has occurred does not necessarily mean that it has in fact occurred. However such instances should be addressed seriously and appropriately through processes of procedural fairness.

It is further emphasised that grievances and appeals can only relate to the application of the SACE Board's policy and procedures. They do not apply to the SACE results themselves.

The SACE Board is committed to ensuring that grievances, appeals, and investigations are resolved in a timely manner so as to not disadvantage students in the finalisation and use of their SACE results.

In particular the raising and resolution of grievances and appeals should be completed by the end of each year's results cycle, that is, by the end of the clerical check period in mid February of the year following the results release.

2. Responsibility and Authority for Integrity of SACE Assessment

The SACE Board of South Australia Act 1983 requires the Board to "assess, in such manner and to such extent as the Board thinks fit, achievements in or satisfactory completion of subjects, courses or other requirements determined by the Board for the purposes of the SACE" [15(1) (f)]; and to "assure the quality and suitability of processes and standards used to assess the achievements of students for the purposes of the SACE" [15(1) (h)].

The SACE Board, through the Chief Executive, therefore carries the ultimate authority for SACE assessment. The Chief Executive exercises this authority to ensure that student results are consistent with SACE Board policies and procedures, and that they are fair and equitable to all students.

However, this authority is enacted in partnership with schools, through the Principal, who shares responsibility for SACE assessment through the implementation of SACE Board policies and procedures for assessment in their school (refer to *SACE Assessment Responsibilities: SACE Board and Schools Code of Practice*).

In exercising this authority, the Chief Executive will act according to procedural fairness.

The procedures relating to grievances, appeals, and investigations will be applied in ways that enable those raising the complaint to be heard and to present all documentation and information they consider relevant. The procedures will be applied so that respondents are informed of complaints and are given reasonable opportunities to respond.

3. Grievances

A grievance is a formal statement of concern or complaint that is provided, in writing, to a person of authority.

3.1 Grievance protocols

In relation to SACE assessment, a grievance may arise when a student and/or parent, or another individual, considers that a departure from a SACE assessment policy or procedure has occurred in relation to a student's assessment.

The statement of concern or complaint may be made in respect of school assessment or external assessment. It may be in relation to the SACE Board's application of SACE assessment policies and procedures, or in relation to a school's implementation of these SACE policies and procedures.

When a formal, written statement of concern or complaint is made that a departure from SACE assessment policy and/or procedure may have occurred, a grievance procedure must be put in place to address the matter.

When the matter relates to school assessment, the grievance procedure is managed under the authority of the Principal (if the matter deals with the school assessments that are to be submitted to the SACE Board) or is managed under the authority of the SACE Board Chief Executive (if the matter deals with school assessments after their submission to the SACE Board).

When the matter relates to external assessment, the grievance procedure is managed under the authority of the SACE Board Chief Executive.

The following principles for managing the grievance procedure are provided to promote procedural fairness for those involved in the grievance procedure:

- In general, the discussion, written records and associated business of the grievance procedure should be kept confidential.
- Grievances should be dealt with impartially and on the basis of honesty and equity.
- Grievances should be dealt with in a timely manner and participants kept informed of progress to resolve the matter.
- There should be no repercussions for or victimisation of the complainant as a result of lodging a formal grievance.
- Accurate files and records must be maintained of formal grievance procedures.

3.2 Grievance procedures

The grievance procedures outlined in the following section are provided as a guide to assist schools and

the SACE Board in establishing and managing the grievance procedure in relation to school assessment and external assessment.

1. A formal grievance procedure is established when a complainant writes to the Principal/Chief Executive, setting out the main issues of the grievance and the remedy they are seeking.
2. Principal/Chief Executive should acknowledge receipt of the complaint and advise the complainant who has been appointed to manage the grievance process.
3. In considering all of the relevant information that is presented as part of the grievance process, the person appointed to manage the grievance process, may seek new or additional information from the complainant or any others as appropriate.
4. On the basis of all of the information (including any new information) that is presented as part of the grievance process, a recommendation should be made to the Principal/Chief Executive on whether the outcome of the grievance procedure should be upheld, amended or withdrawn.
5. Once the grievance process is concluded, the Principal/Chief Executive should advise the complainant, in writing, of this decision as soon as possible, including any reasons for the decision. The Principal/Chief Executive should also inform the complainant/s that they have the right to lodge an appeal with the Chief Executive if they are dissatisfied with the outcome of the grievance procedure.

4. Appeals

An appeal is the formal process where an individual/body makes application to an authority for a review of a decision resulting from a grievance procedure.

4.1 Appeal protocols

In relation to SACE assessment, a person/s who has lodged a grievance may consider that an error has been made in the resolution of the grievance:

- by the school in the case of school assessment (if the matter deals with the school assessments that are to be submitted to the SACE Board); or
- by the SACE Board Chief Executive in the case of school assessment (if the matter deals with school assessments after their submission to the SACE Board); or
- by the SACE Board in the case of external assessment.

In such instances, the person(s) who has lodged a grievance may choose to appeal the outcome of the grievance procedure.

The authority for the consideration of appeals rests directly with the Chief Executive. The Chief Executive will use the principles of procedural fairness in considering the appeal.

The Chief Executive will ensure that any SACE Officer who may assist in the consideration of the appeal will not have had an involvement in any related grievance matter.

The outcome of the appeals procedure is that the original decision/outcome resulting from the grievance procedure is upheld or dismissed.

If the complainant considers that the Chief Executive has made an error in the determination of the appeal, they have the recourse to submit a complaint to the South Australian Ombudsman or to pursue other avenues.

4.2 Appeal procedures

1. If a complainant intends to lodge an appeal against the outcome of a grievance, they should do so in writing to the Chief Executive within five working days of receipt of the report of the grievance outcome.
2. The Chief Executive should acknowledge receipt of the appeal within three working days and advise the complainant that an Executive Manager who has not been involved in the original grievance has been appointed to manage the appeal process.
3. The Executive Manager should obtain a copy of the report of the grievance procedure and outcome.
4. In considering all of the relevant information that is presented as part of the appeals process, the Executive Manager may seek new or additional information from the complainant or any others as appropriate.
5. On the basis of all of the information (including any new information) that is presented as part of the appeals process, the Executive Manager makes a recommendation to the Chief Executive on whether the outcome of the grievance procedure should be upheld, amended or withdrawn.
6. The appeals process is concluded when the Chief Executive reaches a decision to uphold, amend or withdraw the outcome of the grievance procedure.
7. Once the appeals process is concluded, the Chief Executive should advise the complainant, in writing, of this decision as soon as possible, including any reasons for the decision.

5. Investigations

An investigation is the formal process where an authority investigates the actions of an individual where there is evidence that he or she may have significantly and deliberately acted outside stated policy and procedures.

5.1 Investigation protocols

In relation to SACE assessment, an investigation occurs where there is evidence that an individual involved directly as an assessor in either school assessment or external assessment has significantly and deliberately acted outside SACE policy and procedures. In these instances, the individual has exceeded the boundaries of their role as assessor, most usually to seek a benefit for a student, a group of students or themselves.

The authority and responsibility for investigations relating to SACE assessors (school assessment or external assessment) rests directly with the Chief Executive. The Chief Executive will undertake any investigation through procedural fairness and in a timely manner.

Where an investigation occurs in relation to the assessment activity of a teacher, the Chief Executive will work with the teacher's Principal in the investigation and the implementation of any appropriate consequences.

Following the investigation, the Chief Executive reserves the right to communicate the outcomes to the relevant employing authority if the matter indicates that professional misconduct may have occurred.

5.2 Investigation procedures

1. There are a number of different circumstances in which an allegation or suspicion of a significant departure from SACE Board policy and procedure may occur:
 - Information may be provided to a Principal by a teacher or teachers concerning another teacher or teachers in the school.
 - A member of the public may provide information to a teacher, the Principal or the Chief Executive of the SACE Board.
 - Evidence of a departure from SACE Board policy and procedure may arise in the context of SACE Board school assessment or external assessment.
2. In all instances, the Chief Executive of the SACE Board should be notified as soon as any allegation or suspicion is raised.
2. If an allegation or suspicion of a significant departure from SACE Board policy and procedure is identified in the school or external assessment, an Executive Manager should

- inform the Chief Executive immediately, outlining the circumstances of the matter and any supporting information.
3. If an allegation or suspicion of a significant departure from SACE Board policy and procedure is identified in a school (by a teacher, the Principal or a member of the school community, e.g. parent/student), the Principal should contact the Chief Executive outlining the allegation and providing any supporting information or evidence for the allegation.
 4. If an allegation or suspicion of a significant departure from SACE Board policy and procedure is made about a teacher's involvement in school or external assessment and the teacher's Principal is unaware of the circumstances, the Chief Executive will contact the Principal confirming that the allegation has been made, the circumstances in which the allegation was made and the substance of the allegation. If required, the Chief Executive may seek additional information from the Principal regarding the matter.
 5. The Chief Executive will then undertake the following action:
 - write to the individual involved in the matter outlining the substance of the allegation that has been made and the basis upon which the allegation has been made;
 - convey the letter to the individual through the Principal in those instances where the investigation relates to a teacher's school or external assessment activity;
 - provide the individual with the opportunity to meet the Chief Executive, and where appropriate with the Principal, to clarify the nature of the allegation and associated evidence (the individual will be offered the opportunity for a support person to attend the meeting);
 - request the individual to provide a written response to the Chief Executive addressing the matters raised within three days of receiving the letter or attending the meeting (whichever is the latter time).
 6. Once the investigation is concluded, the Chief Executive will write to the individual to inform him/her of the outcome of the investigation and any further action that the Chief Executive has determined is necessary. This action may relate to the nature of the individual's involvement in future SACE school or external assessment activity.
 7. As a result of the investigation, the Chief Executive may ask the Principal to establish additional processes to manage future SACE assessment activity within the school.
 8. In those instances where the evidence indicates professional misconduct may have occurred, the Chief Executive will communicate information about the investigation and its outcomes to the relevant employing authority.

Glossary

Advocate: A person who provides personal support to those involved in a grievance or appeal procedure.

Appeal: A formal process where an individual/body makes application to an authority for a review of a decision resulting from a grievance procedure.

Complainant: The person/s making the allegation resulting in a grievance procedure.

Grievance: A formal statement of concern or complaint that is provided, in writing, to a person of authority.

Grievance procedure: The process that is put in place to seek resolution of the concern or complaint of the person who has the grievance.

The grievance procedure may involve an informal stage (when the processes for dealing with the grievance occur directly between the parties involved and are not formally documented) as well as a formal stage (which occurs if resolution of the grievance does not occur at the informal stage thereby requiring mediation and/or intervention under the authority of an investigating officer, and in which all processes are documented).

Investigation: An investigation is the formal process where an authority investigates the actions of an individual where there is evidence that he or she may have significantly and deliberately acted outside stated policy and procedures.

Mediation: A grievance procedure is not the same as mediation, but may involve mediation, which is the process in which the complainant and the respondent, with the assistance of a qualified mediator, identify the points of difference and the possible solutions, and where possible, develop terms of agreement to resolve the matter.

Procedural fairness: Procedural fairness is an important component of natural justice and includes the following:

- the respondent is informed of allegations contained in the grievance and normally would be informed of the identity of the person making the grievance;
- the respondent is given reasonable opportunities to respond to the allegations and put their side of the matter forward;
- those involved in a grievance have the right to be heard;
- relevant documentation and evidence is considered as part of the grievance procedure;
- issues that are raised which are not relevant to the grievance are not taken into account;
- those involved are kept informed about the process;
- those involved are given adequate notice of any meetings;
- those involved are able to seek advice and support; and
- complaints are investigated in an impartial and objective manner.

Respondent: The respondent is the person/body who a complaint has been made against.