

CONCERNS & COMPLAINTS

POLICY

Faith Diligence Love

SUNCOAST
CHRISTIAN COLLEGE



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Purpose

The purpose of the Concerns & Complaints Policy & Procedures document is to act as a process for Leadership and staff at Suncoast Christian College, ('the College'), in handling concerns and formal complaints.

At the College, we value quality relationships and also recognise that, from time to time, relationships become strained and people are offended by actions, words, or omissions. Unless the matter is dealt with in an appropriate way, relationship may not be restored and the quality of our community is threatened. The Bible deals with a suggested way of resolving differences between people.

Scope

This policy and procedure document do not apply to allegations of sexual abuse or harm to children which are dealt with by other policies including the Child Protection Policy.

This policy pertains to managing concerns or complaints raised by parents, students and staff members. Any person wishing to make a complaint against the College concerning its conduct, whether a grievance, appeal or other matter, shall have access to the complaint's procedure.

All formal complaints will be addressed and decided within 15 working days of the receipt of the written complaint by the College. The College will keep a 'Register of Complaints', which documents all formal complaints and the resolution.

This policy and procedure document apply to all staff, as per definitions below.

Staff concerns and complaints relating to employment are managed under the Enterprise Agreement, dispute resolution processes.

Reference documents

- a) Scripture: Matthew 18:15-17.
- b) Fair Work Commission Guidelines for Managing Underperformance.
- c) College Managing Underperformance Policy.
- d) College Workplace Harassment Policy.
- e) College Enterprise Agreement

Employee grievances against the College with respect to industrial matters are to be dealt with under the Collective Enterprise Agreement 2018 in accordance with the dispute resolution procedure contained in:

- Part 2.4 – College Dispute Protocol
- Part 2.5 – Dispute Resolution Procedure; and
- Part 2.6 – Harassment Disputes
- Appendix 6 – Workplace Harassment Prevention Policy and Procedure.

Definitions

'Concern' - a real or perceived issue or grievance which is most appropriately addressed through an informal verbal process.

'Formal Complaint' - a serious or ongoing, unresolved issue or grievance which is most appropriately addressed through a formal process. The formal complaint must be made in writing to the Leadership Team member who is the supervisor of the person about whom the complaint is made. In most cases, a formal complaint would only be made for serious issues or when the less formal process of raising a concern has been unsuccessful. Formal complaints may be handled by the Principal due to their nature or history.

'Grievance' - a real or perceived grounds for concern or formal complaint.

'Staff or staff member' - all employees of the College, volunteers who access the College, pre-service teachers on the practicum, pre-service teachers on internships and coaches / tutors who are in any way involved with the College and its students.

Preamble

This policy and procedure document are an integral part of the Christ-centred community of the College and consistent with the College Values.

It is recognised that parents, students and staff members have a right to raise concerns and to have them addressed appropriately. 'Concerns' and 'Formal Complaints' should be handled objectively and with sensitivity, and not in a reactive or subjective manner.

The policy and procedures in this document are to ensure that complaints will be dealt with in a fair and transparent way which takes account of the legal obligations of the College in relation to its duty of care to students, but also guarantees procedural fairness and natural justice to employees. In the absence of such a policy the College is vulnerable to individual complaint and runs the risk of reacting in a resource-intensive way and being inconsistent in its treatment of individual complaints.

When staff, parents or students have a concern with a staff member or with the College processes and feel the need to raise the concern, the first response should be to speak to the staff member involved. The College values must guide any approach and discussion. If this informal approach to resolving the concern does not lead to a resolution, or the matter is more serious, then the processes for a 'formal complaint' outlined below should be followed.

Notwithstanding, all informal and formal processes are guided by Biblical principles, with the aim of a fair and just resolution for all parties involved.

Objectives

- a) The achievement of reconciliation between the parties based on open and transparent processes which afford both the staff member and complainant natural justice and procedural fairness.
- b) The establishment of a renewed confidence in the staff-complainant relationship based on attempting to achieve an outcome where concerns have been aired, tested and, if demonstrated to have substance, agreed processes and procedures are implemented by the parties and reviewed over an agreed timeline.

- c) The determination about whether there has been any unsatisfactory or inappropriate practice or action, as early as possible and in the fairest and most objective manner possible.
- d) The implementation of any necessary changes designed to bring about better educational, pastoral or administrative outcomes, as appropriate.

Procedures

Raising a concern

1. In the first instance, concerns should be taken, by the aggrieved person, to the person who they believe has grieved them. Resolution of the matter between these two individuals would result in an end of the grievance.
2. If resolution is not possible at this level, a mediator, agreed to by both parties, should be appointed to help resolve the grievance (a peer staff member or Head of Department).
3. If resolution is not able to be achieved, the matter should be referred to the relevant Leadership Team member of the person about whom the concern has been raised. Details of the grievance and the steps that have been taken towards resolution, should be provided.

The supervisor is to investigate the matter and make a finding. The investigation process should be informal in manner. (e.g. speak to the person making the complaint, ascertain what outcome they are seeking, speak to the person about whom the complaint has been made, consider both viewpoints, make a finding as to an appropriate low-level/informal outcome, facilitate discussion between the parties).

In most instances, initial informal discussions lead to improved understandings, better working relationships and agreement for changed work practices.

It is a professional expectation of all staff that understanding the viewpoint of all persons involved in an issue, including that of the person who has made the complaint is paramount and therefore deserves the time, and energy to work to create an outcome that fosters better relationships within the community. As a matter of good practice, notes should be kept of such informal discussions as well as any agreed outcome.

The Principal reserves the right to make a final decision on matters.

Examples of how this procedure can effectively be operated are below

What is an effective process for reaching a resolution when a student/parent/teaching colleague has a concern regarding a teacher?

- a) The colleague, parent or student clarifies the exact nature of the issue/s so that they can clearly communicate them to the teacher. This clarification may require the help of a Leadership Team member.
- b) The colleague, parent or student arranges a meeting with the teacher. The colleague/student/parent and/or teacher may engage a support person. The aims of this meeting are:
 - i. for both parties to understand the nature of the concern and to discuss any assumptions, factors and other perspectives that may be at play;
 - ii. to come to agreement about what the teacher and/or student and /or parent will do or do differently in order to overcome the concern;
 - iii. to agree on a date by which the actions should be in place for review.

- c) On the review date, the staff member will contact the parent and discuss whether the matter has been resolved.
- d) If it has, the matter is closed. If it has not, steps 1 – 3 may be repeated once if both parties agree.

What is an effective process for reaching resolution when a member of teaching staff has an issue with the actions of an assistant?

- a) The member of teaching staff clarifies the exact nature of the issue/s so that they can be clearly communicated. This clarification may require the help of a member of Leadership or the teaching staff member's supervisor or aide's Supervisor.
- b) The member of teaching staff informs the assistant's supervisor and the assistant determines whether the member of teaching staff or the supervisor manages the matter from this point on.
- c) The member of teaching staff arranges a meeting with the assistant and/or supervisor. The assistant and/or member of teaching staff may engage a support person. The aims of this meeting are:
 - i. for both parties to understand the nature of the concern and to discuss any assumptions, factor and other perspectives that may be at play;
 - ii. to come to agreement about what the parties will do differently in order to overcome the concern;
 - iii. to agree on a date by which the actions should be in place for review.
- d) On the review date, the member of teaching staff will contact the assistant and / or supervisor and discuss whether the matter has been resolved.
- e) If it has, the matter is closed. If it has not, steps 1 – 3 may be repeated.

Making a formal complaint

Issues that have initially been raised as concerns may escalate to the status of a formal complaint if they are not resolved satisfactorily or problems continue. Issues of a more serious nature may warrant a formal complaint being made without first going through the process of raising a concern.

Provided that the complaint does not relate to allegations of serious misconduct of sexual, physical or emotional abuse, the parent, staff member or student (if appropriate) who has made the complaint should, in the first instance, submit the complaint in writing to the appropriate Leadership Team member or Principal, providing sufficient detail about the nature and context of the complaint. Individuals making formal complaints should be required to include in their complaint what outcome they are seeking from making the complaint.

If the complainant is unable by reason of their age or other inability to commit the complaint to writing, then the person who receives the complaint must record the particulars of the complaint in writing on the person's behalf.

All formal complaints must be heard and decided within 15 working days of the receipt of the written complaint by the College.

The principal should be informed about the receipt of a Formal Complaint.

If a formal complaint is made about the Principal, the Board Chair assumes the role of the Principal described in the procedures above.

Where concerns and complaints relate to employment the Enterprise Agreement dispute resolution process is to be used.

Process

1. Where, in the professional judgment of the Principal or appropriate Leadership Team member who has received the complaint, there is a need for a complaint to be addressed, a meeting should be arranged to inform the staff member of the complaint, which should be put in writing at the time of the meeting. The Leadership Team member should then meet with the staff member, providing at least forty-eight (48) hours' notice of such a meeting, advising the staff member of the purpose and offering the opportunity for the staff member to arrange for a support person to also attend. The staff member should then be given the opportunity to respond in writing to the complaint.
2. The Principal or appropriate Leadership Team member should arrange for scribing support to document the discussion. The meeting can either follow the matters raised in the staff member's written response, or the Principal or appropriate Leadership Team member may determine the matters for discussion from the written complaint. This meeting allows for a verbal discussion to ensure that the process of natural justice occurs and to determine whether resolution in accordance with the objectives of this policy can be achieved.
3. The Leadership Team member should then take steps to make a finding on the matter, which may require further investigation. Findings should be communicated in writing to the person against whom the complaint has been made, along with any required action. A summary of the outcomes of the process should be communicated in writing to the complainant respecting the rights to privacy of the person about whom the complaint was made.
4. The details and resolution are entered into the Register of Complaints.

Where the formal complaint process does not lead to a resolution

If, following the procedure above the complainant does not feel the matter has been resolved, the complainant should raise the concern with the Principal or appropriate Leadership Team member, and they will either:

- discuss the matter further with the complainant and, where the concern is based on misinformation, misunderstanding or is vexatious or misconceived, clarify the matter with the complainant. In this instance, the staff member concerned should be informed in writing that the complainant further discussed the matter with the Principal or appropriate Leadership Team member and the outcome of their discussion with the parent or student; or
- discuss the matter further with the complainant and, where the Principal or appropriate Leadership Team member forms the view that the concern is not vexatious nor misconceived, nor based on misinformation / misunderstanding, will discuss the concern with the staff member concerned.

Such discussions, meetings and actions arising out of the complaint should be carried out in accordance with the principles outlined in the **Preamble** and **Objectives** of this policy.

Mediation

If after the procedural steps in paragraphs above the matter of complaint remains unresolved to any party or should matters of disagreement or interpretation be unable to be resolved, the parties shall undertake mediation according to the following procedures:

- where mediation is required the College must appoint a mediator (at its cost) agreed to by the parties involved or failing agreement, a qualified mediator listed by the Queensland Law Society may be appointed;
- the parties must observe the instructions of the mediator about the conduct of the mediation;

- the mediation procedure is confidential and neither party can use as evidence in court proceedings any discussions between the parties and the mediator; and
- if the mediation process has been completed and resolution has not been achieved then the decision as to whether any further action should be taken in relation to the complaint shall be solely in the discretion of the Principal.

Undertaking

Staff members against whom complaints are made, undertake not to victimise or seek retribution against any complainant or child of any complainant because a complaint has been made. A breach of this clause may result in disciplinary action.

College-initiated investigation

There may be times when a person with a Concern or grievance does not want, for a variety of reasons, to continue with any process of investigation or to bring a formal complaint. There may also be the circumstance where concerns brought to the notice of the Principal are assessed as College issues. If the issues raised are such that the effective management, health and/or wellbeing of staff or students is being adversely affected, the College reserves the right to initiate an investigation irrespective of the wishes of the Complainant or other parties.

Confidentiality

Confidentiality is a major issue in the handling of complaints. Confidentiality shall be maintained at all stages of the complaint procedures with communication limited to those people who need to be informed in order to resolve the complaint. This does not exclude the staff member from seeking counsel and advice from relevant support structures.

The identity of the person reporting the matter should not be revealed to any third party without the complainant's consent, unless it is required to be disclosed by law or is required for natural justice.

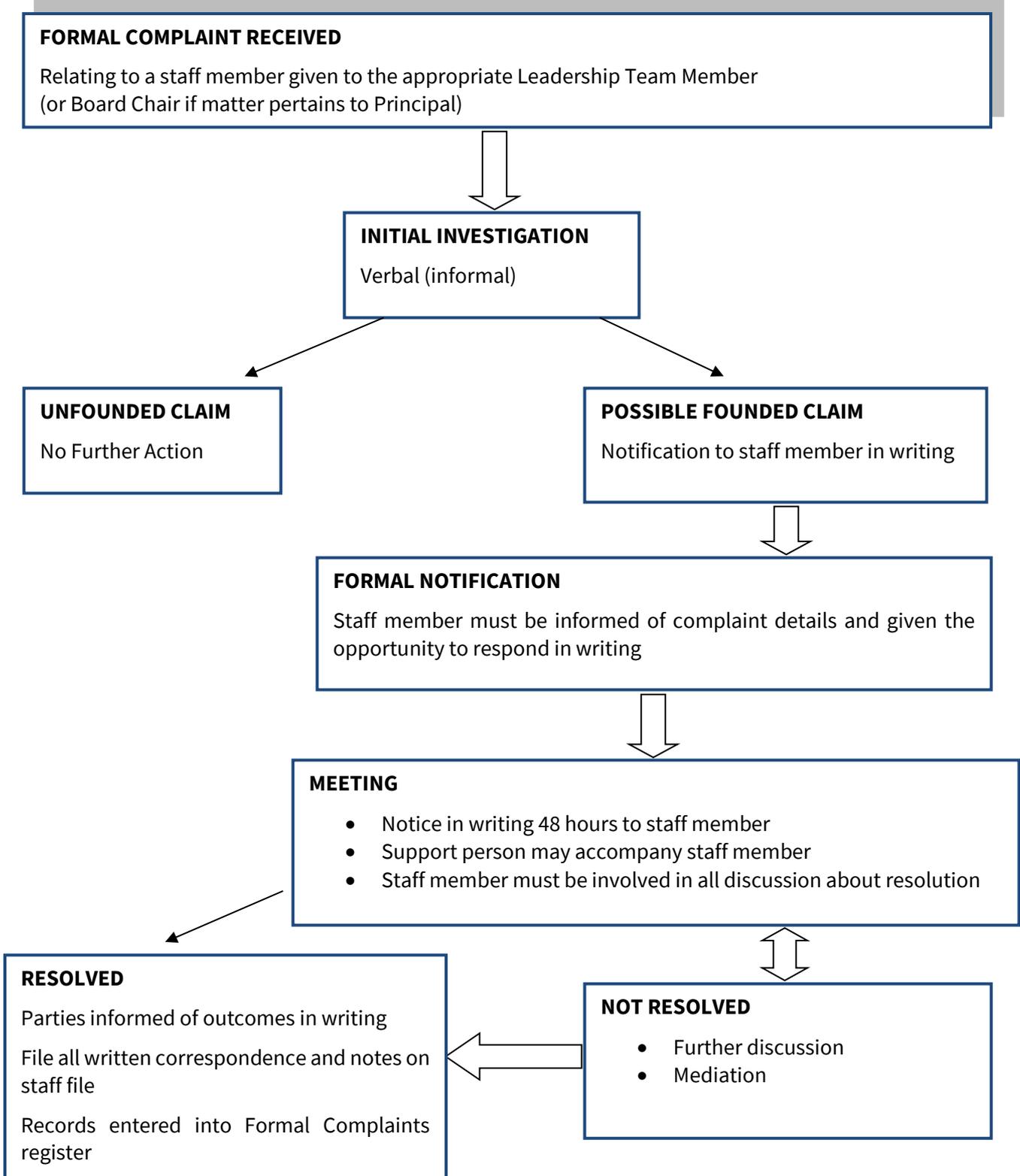
This does not prohibit either party from seeking statements or evidence from people who might provide further evidence about the matter which is the subject of the complaint.

Record keeping

Records of the complaint, the process for handling the complaint and any outcomes should be kept. Where the complaint is found to be vexatious or based on misinformation etc., any record pertaining to the complaint or handling of the complaint should be kept in a file separate from the staff member concerned and the student.

Where a complaint is addressed or acted on, a copy of any reports related to the handling of the complaint must be given to the staff member concerned. Staff members must have access to the files kept on them by the College according to the Privacy Policy.

FLOWCHART for FORMAL COMPLAINT



UNDERTAKING – staff members must not victimise or seek retribution against a complainant

CONFIDENTIALITY – all parties must undertake to keep all discussions relating to the complaint confidential



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