

COMPLAINTS HANDLING POLICY AND PROCEDURE

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SUNCOAST
CHRISTIAN COLLEGE



Document Information

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Part 1: Policy

Purpose

The purpose of this policy is to ensure that student, parent and employee complaints and disputes are dealt with in a responsive, efficient, effective and fair way.

Scope

Students, parents and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements.

Reference documents

- [Education \(Accreditation of Non-State Schools\) Regulations 2017](#)
- [Australian Education Regulations 2013](#)
- [Fair Work Act 2009](#)
- [Work Health and Safety Act 2011 \(Qld\)](#)
- [Privacy Act 1988 \(Cth\)](#)
- [Anti-Discrimination Act 1991 \(Qld\)](#)
- [Australian Human Rights Commission Act 1986 \(Cth\)](#)
- [Sex Discrimination Act 1984 \(Cth\)](#)
- [Age Discrimination Act 2004 \(Cth\)](#)
- [Disability Discrimination Act 1992 \(Cth\)](#)
- [Racial Discrimination Act 1975 \(Cth\)](#)
- Fair Work Commission Guidelines for Managing Underperformance
- College Managing Underperformance Policy
- Suncoast Christian College Enterprise Bargaining Agreement
- Suncoast Christian College Work Health and Safety Policy
- Suncoast Christian College Sexual Harassment Policy
- Suncoast Christian College Disability Discrimination Policy
- Suncoast Christian College Workplace Bullying Policy
- Suncoast Christian College Privacy Policy

Policy Statement

Suncoast Christian College is committed to ensuring that student, parent and employee complaints are dealt with in a responsive, efficient, and effective and fair way.

The College views complaints as part of an important feedback and accountability process.

The College acknowledges the right of students, parents and employees to complain when dissatisfied with an action, inaction or decision of the school and the school encourages constructive criticism and complaints.

The College recognises that time spent on handling complaints can be an investment in better service to students, parents and employees.

Complaints that may be Resolved under this Policy

The College encourage students, parents and employees to lodge promptly any concerns regarding sexual harassment, child protection, discrimination, workplace bullying and privacy breaches as well as more general complaints that include areas such as:

- the school, its employees or students having done something wrong
- the school, its employees or students having failed to do something they should have done
- the school, its employees or students having acted unfairly or impolitely
- issues of student or employee behaviour that are contrary to their relevant code of conduct
- issues related to learning programs, assessment and reporting of student learning
- issues related to communication with students or parents or between employees
- issues related to school fees and payments
- general administrative issues.

Student complaints may be brought by students or by parents on behalf of their children, as appropriate in the circumstances.

Issues Outside this Policy

The following matters are outside the scope of this policy and should be managed as follows:

- Child protection concerns or risks of harm to children should be dealt with in accordance with the law and the College's Child Protection Policy.
- Student bullying complaints should be dealt with under the Behaviour Management Policy.
- Student discipline matters, including matters involving suspension or expulsion, should be dealt with under the Behaviour Management Policy.
- Employee complaints related to their employment should be directed to their supervisor.
- Student or employee violence or criminal matters should be directed to the Principal who will involve the Police as appropriate.
- Formal legal proceedings.

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

Complaints Handling Principles

Suncoast Christian College is committed to managing complaints according to the following principles:

- complaints will be resolved with as little formality and disruption as possible
- complaints will be taken seriously
- anonymous complaints will be treated on their merits complaints will be dealt with fairly and objectively and in a timely manner
- The College will determine the appropriate person to deal with the complaint in the first instance. Complaints should be resolved with as little formality and disputation as possible
- mediation, negotiation and informal resolution are optional alternatives
- procedural fairness will be ensured wherever practicable, including the right of interested parties to the complaint to be heard
- confidentiality and privacy will be maintained as much as possible
- all parties to the complaints will be appropriately supported
- The College will give reasonable progress updates
- appropriate remedies will be offered and implemented
- provide a review pathway for parties to the complaint if warranted
- complainants, respondents and people associated with them will not be victimised as a result of lodging the complaints and they will not suffer any other reprisals
- the school will keep records of complaints
- the school's insurer will be informed if a complaint could be connected to an insured risk.

Responsibilities

SCHOOL

The school has the following role and responsibilities:

- develop, implement, promote and act in accordance with the school's Complaints Handling Policy and Procedures
- appropriately communicate the school's Complaints Handling Policy and Procedures to students, parents and employees
- ensure that the Complaints Handling procedures are readily accessible by staff, students and parents
- upon receipt of a complaint, manage the complaint in accordance with the Complaints Handling procedures
- ensure that appropriate support is provided to all parties to a complaint
- take appropriate action to prevent victimisation or action in reprisal against the complainant, respondent or any person associated with them
- appropriately implement remedies
- appropriately train relevant employees
- keep records
- conduct a review/audit of the Complaints Register from time to time
- monitor and report to the governing body on complaints
- report to the school's insurer when that is relevant
- refer to the school's governing body immediately any claim for legal redress.

ALL PARTIES TO A DISPUTE

The complainant and respondent both have the following role and responsibilities:

- apply and comply with the school's Complaints Handling Policy and Procedures
- lodge the complaint as soon as possible after the issue arises
- expect that the complaint will be dealt with fairly and objectively; in a timely manner; with procedural fairness wherever practicable; that confidentiality and privacy will be maintained as much as possible
- provide complete and factual information in a timely manner
- not provide deliberately false or misleading information
- not make frivolous or vexatious complaints
- act in good faith, and in a calm and courteous manner
- act in a non-threatening manner
- to be appropriately supported
- acknowledge that a common goal is to achieve an outcome acceptable to all parties
- recognise that all parties have rights and responsibilities which must be balanced
- maintain and respect the privacy and confidentiality of all parties
- not victimise or act in reprisal against any party to the dispute or any person associated with them.

EMPLOYEES RECEIVING COMPLAINTS

Employees receiving complaints have the following role and responsibilities:

- act in accordance with the school's Complaints Handling Policy and Procedures
- inform the party lodging the complaint of how complaints can be lodged, when they should be lodged and what information is required
- provide the complainant with information about any support or assistance available to assist them in lodging their complaint
- provide the complainant with a copy of the school's Complaints Handling Policy and Procedures
- maintain confidentiality
- keep appropriate records
- to forward complaints to more senior employees, including the Principal, as appropriate
- not victimise or act in reprisal against the complainant, respondent or any person associated with them.

Implementation

Suncoast Christian College is committed to raising awareness of the process for resolving complaints at the school, including by the development and implementation of this policy and related procedures, and via the clear support and promotion of the policy and procedures.

The College is also committed to appropriately training relevant employees (especially senior staff) on how to resolve complaints in line with this policy and the related procedures.

The College will keep appropriate records of complaints, will monitor complaints and their resolution and will report on a high-level basis to the school Board on complaint handling at the school.

The College will act to encourage students, parents and employees to contribute to a healthy school culture where complaints are resolved with as little formality and disruption as possible.

Part 2: Procedures

Preamble

This outworking of this policy and its procedures is an integral part of being a Christ-centred community. It is an imperative for the College that our complaints handling practices are consistent with our Christian 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.

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.

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, pre-service teachers, coaches and tutors.

Goals

- 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.

Procedure for 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. For example, 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, and facilitate discussion between the parties.

In most instances, initial informal discussions lead to improved understandings, better working relationships and agreement for improved 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. 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 or colleague has a concern regarding a teacher?

- a) The student, parent or colleague clarifies the exact nature of the issue so that they can clearly communicate them to the teacher. This clarification may require the help of a Leadership Team member.
- b) The student, parent or colleague arranges a meeting with the teacher. Either party may bring a support person to the meeting.
- c) 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 parties 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.
- d) On the review date, the teacher will contact the other party to 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 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 assistant'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. Either party may bring a support person to the meeting.
- d) 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.
- e) On the review date, the member of teaching staff will contact the assistant and/or supervisor and discuss whether the matter has been resolved.
- f) If it has, the matter is closed. If it has not, steps 1 – 3 may be repeated.

Procedure for making a formal complaint

1. 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.
2. 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.
3. Individuals making formal complaints should be required to include in their complaint what outcome they are seeking from making the complaint.
4. 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.
5. The principal should be informed about the receipt of a Formal Complaint.
6. If a formal complaint is made about the Principal, the Board Chair assumes the role of the Principal described in the procedures above.
7. 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 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.
2. The Leadership Team member should then meet with the staff member, providing at least 2 days' 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.
3. The Principal or 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 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.
4. The Principal or 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.
5. The details and resolution are entered into the Register of Complaints.

In the case of a serious complaint or allegations

In the case of a serious complaint or allegations, the Principal should be informed as a matter of priority. Where allegations of a serious nature are made against an employee, appropriate management actions may include the employee being stood down on pay, pending an investigation usually by an independent, external, expert party.

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 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 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 Leadership Team member forms the view that the concern is not vexatious nor misconceived, nor based on misinformation or misunderstanding, will discuss the concern with the staff member concerned.

Mediation

If the matter remains unresolved, or the Principal or Leadership Team member determines it is the best course of action earlier in the process, the parties may be directed to 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.

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, 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.



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