



COMPLAINTS PROCEDURE

Objective

The objective of this procedure is to provide a process to record and deal with complaints raised against members of the school community in a manner that is open and honest. The principles of natural justice and procedural fairness will be followed, and an appropriate level of confidentiality will be applied.

Members of the school community have the right to complain, and to have their complaints resolved.

Consideration of the complainants, and respondent's, rights is most important. Appropriate enquiry shall be made at all stages of the procedure to ensure that natural justice and procedural fairness prevail.

Scope

Matters dealt with under this document include any areas of complaint impacting the school community (as below), with the exception of 'Child Protection' matters.

- (a) One employee has a complaint against another employee;
- (b) A student has a complaint about an employee;
- (c) A parent has a complaint about an employee;
- (d) An employee has a complaint about a parent;
- (e) An employee has a complaint about a student;
- (f) An employee has a complaint about a member of the school community.

Any matter concerning 'Child Protection' will be dealt with in accordance with the 'Child Protection Policy.'

Method

A matter may be raised either orally or in writing. Where raised orally the person with whom the matter is raised will advise that the matter cannot be treated as a complaint unless it is provided in writing.

If committed to writing the matter will become a complaint and will be subject to the following process.

Complaint Made

In Writing

If made by email SMS or letter, the receiving staff member must immediately contact the complainant by phone and proceeds with Steps 1 to 4.

Step 1 Acknowledge

Acknowledge receipt of complaint **immediately** (showing empathy and understanding) meanwhile opening online Complaints form. Open SchoolBox and click on CompliSpace.

Step 2 Collect

Work through online form using prompted questions, completes all sections to activate tracking/action/management process.

Step 3 Clarify

Clarify understanding of the complaint, confirms the matter will be dealt with immediately, offer thanks for opportunity to take issue further to help resolve the matter.

Step 4 Submit

Submit online Complaints form to activate tracking/action/management process.

By electronic submission

Completion of online form by CompliSpace. The complaint is automatically sent to the Complaints Officer who will proceed with Steps 5 and 6.

Complaints Officer
This role is administrative in nature, but is crucial in progressing the complaint.

Step 5
Receives the submitted complaint by email and changes status of complaint from NEW to UNDER INVESTIGATION and allocates responsibility for dealing with the complaint to a specific staff member, "Assigned Owner".

Step 6
Advises the receiving staff member that the matter is now UNDER INVESTIGATION by the specific staff member named.

Assigned Owner
This person may be the Principal, or another person at an appropriate level of authority.

If the complaint is against (or involves) the Principal, then this person should be the Chair of the College Board or similar.

Step 7
Assigned Owner immediately reads the complaint.

Step 8
Should the complaint be pursued?
If Yes, proceed to Step 9.
If No, then no further action is to be taken.

Step 9
Is the complaint one where informal discussion (between the complainant and the person against whom the complaint is made) could reasonably be expected to resolve the matter?
If Yes, proceed to Step 10
If No, proceed to Step 11

Step 10 (a)
Are the persons prepared to participate in informal discussions?
If Yes, proceed to remaining actions in Step 10
If No, proceed to Step 11



Step 10 (b)
Provide the person against whom the complaint has been made with details of the complaint so that the person can fully understand the complaint.



Step 10 (c)
Facilitate the informal discussions. Request that the persons involved provide advice as to the resolution or otherwise of the complaint.



Step 10 (d)
Has the complaint been resolved?
If Yes, the outcome should be recorded and no further action is necessary.
If No, proceed to Step 11.



Step 11
Is the complaint one where formal mediation (between the complainant and the person against whom the complaint is made) could reasonably be expected to resolve the matter?
If Yes, proceed to Step 12
If No, proceed to Step 13



Step 12 (a)
Are the persons prepared to participate in informal discussions?
If Yes, proceed to the remaining actions in Step 12
If No, proceed to Step 13



Step 12 (b)
Provide the person against whom the complaint has been made with details of the complaint so that the person can fully understand the complaint.



Step 12(c)

Arrange for formal mediation to be conducted by an independent mediator. The Mediator will be requested to provide advice as to the resolution or otherwise of the complaint.



Step 12(d)

Has the complaint been resolved?
If Yes, the outcome should be recorded and no further action is necessary.
If No, proceed to Step 13.



Step 13

If the complaint reaches this stage, a formal investigation will be undertaken, by either the Assigned Owner or a person appointed by the Assigned Owner for that purpose.



Step 13 (a)

The person against whom the complaint is made will be provided with full details of the complaint, including the name of the complainant.



Step 13 (b)

All persons with relevant knowledge should be interviewed.



Step 13 (c)

An interview with the person against whom the complaint is made should occur. That person may be accompanied by a representative of the person's choice. The results of the investigation should be put to the person in detail.

Step 13 (d)
The person will be afforded the opportunity to respond to the results of the investigation. This may be (at the person's discretion) at the meeting, or in writing subsequently, or at a further meeting.

Step 13 (e)
As a result of the outcome of the investigation, and the response of the person against whom the complaint was made, the Principal (or other delegate of the employer) will make a decision regarding the outcome of the complaint.

Step 13(f)
The decision will be communicated to the person against whom the complaint was made. The decision, where appropriate will also be communicated to the complainant.

Step 13(g)
Where the decision is accepted, the complaint is finalised, and the Complaint will be noted as CLOSED.
Where the decision is not accepted, and the person against whom the complaint is made is an employee, clause 8 (Dispute resolution process) may be invoked.

Step 14
Dispute resolution process under clause 8. The outcome will then be subject to that process.

The decision at Step 13(e) may be: that the complaint is upheld fully or in part; or that the complaint is not upheld.

Where the complaint is upheld the consequences may include: a change to a process or procedure; a warning; the provision of training or professional learning; and/or disciplinary action.

Where the complaint is not upheld, similar consequences (as appropriate) may be applied to the complainant.

All records will be noted as closed.

The following summarises the concepts of procedural fairness and natural justice:

- (a) A reasonable and fair opportunity to present the case;
- (b) A decision maker must give a person affected by a proposed decision the opportunity to comment on every adverse piece of material which is credible, relevant and significant to the decision being made;
- (c) A communication to the affected person which should set out:
 - (i) what decision is proposed to be made;
 - (ii) the reasons why that is the decision being considered to be made;
 - (iii) the substance of adverse information that has led to that view being formed;
and
 - (iv) the period of time in which the person can respond to what has been said.