

# Complaint Management Policy and Procedures



## Intent

The purpose of this policy is to outline the process that should be followed to communicate a complaint at Clayfield College, by a student, parent, guardian or caregiver. It aims to ensure that all complaints are appropriately communicated, managed and, where possible, a resolution is reached.

## Rationale

Clayfield College is a professional learning community that encourages open and constructive communication among staff, students and parents. In keeping with our Mission, we are committed to maintaining a supportive and safe Christian community, which provides an outstanding teaching and learning environment. This is supported by the PMSA's commitment to achieving fair, collaborative, inclusive and respectful working and learning environments, and the College values (integrity, individuality, excellence, care, faith, diversity and resilience). On the basis of this, if members of our community have a complaint they are asked to raise it following the processes outlined below.

## Scope

This policy refers to any type of problem, concern or complaint in relation to processes employed by the College and the behaviour of or decisions made by any person or entity connected with the College, which affects the College or its community. It includes but is not limited to, inappropriate behaviour that occurs via email, text messages, internet chat rooms, instant messaging, social media and other electronic mediums.

When a complaint falls within the provisions of another Clayfield College or PMSA policy, then the complaint will be dealt with under that policy. If a complaint has been dealt with as a formal complaint under another Clayfield College or PMSA policy, the same complaint cannot be the subject of a formal complaint under this policy.

Complaints brought by employees shall be addressed and managed under the PMSA Employee Complaints Policy and Procedure.

## Policy Statement

The Clayfield College Complaint Management Policy and Procedure provides a mechanism for complaints to be dealt with in a consistent, timely, fair and transparent

way with sensitivity which gives effect to the above aims, and account to the legal obligations of Clayfield College, including (but not limited to) workplace health and safety requirements and the according of procedural fairness and natural justice.

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

All parties to a complaint have the right to be:

- heard;
- treated fairly without bias or pre-judgement;
- informed of any complaint made which relates to them;
- provide with an opportunity to respond to any complaint which relates to them;
- informed about the status of any complaint which has been formally raised and to which they are a party, or in which they are named.

## Policy Principles

This policy and its implementation, reflects the following principles:

- It applies equally to all.
- It encourages all to raise their complaint, without fear of being disadvantaged or victimised.
- It encourages all to raise their complaint as close in time to the relevant incident or issue as possible.
- It promotes the timely resolution of complaints.
- It provides a clear process for addressing complaints.
- It recognises the importance of sensitivity, confidentiality and impartiality in the resolution process.
- All communications amongst members of the College community are to be conducted in a mutually respectful way in accordance with our values and Christian ethos. The welfare of all stakeholders is paramount so any communication that contravenes this will be suspended and referred to the next level of operations.
- A complainant can appeal the outcome of a formal complaint, or of a determination under another Policy that does not have an appeal process, with regards to the procedural fairness of the complaint resolution process.
- The availability of the Clayfield College Complaint Management Policy and Procedures does not remove a person's right to contact, lodge a complaint with, or seek a review by an appropriate external organisation or to act under relevant laws.

## Relevant Legislation, associated policies and documents

All College policies are relevant in this context. Those listed below are identified by PMSA as being of particular relevance.

- Education (Accreditation of Non-State Schools) Act 2017
- Education (Accreditation of Non-State Schools) Regulation 2017
- Education (General Provisions) Act 2006
- Age Discrimination Act 2004
- Anti-Discrimination Act 1991 (Qld)
- Australian Human Rights Commission Act 1986 Disability Discrimination Act
- Fair Work Act 2009
- Privacy Act 1988
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Work Health and Safety Act 2011
- Workplace Gender Equality Act 2012
- PMSA Child Protection Policy
- PMSA Code of Conduct
- PMSA EEO, Anti-Discrimination, Sexual Harassment & Bullying Policy
- PMSA Employee Discipline Policy and Procedure
- PMSA Flexibility in Workplace Arrangements Policy
- PMSA Gifts and Other Benefits Policy
- PMSA Recruitment and Selection Policy
- PMSA Workplace Health and Safety Policy
- Relevant Modern Award

## Types of disputes that may be resolved under this Policy

Clayfield College encourages students and parents to promptly lodge concerns regarding general complaints that include areas such as:

- The school or its employees have acted unfairly or contrary to the Clayfield College standards of acceptable behaviour.
- Issues of student behaviour that are contrary to the relevant Clayfield College or PMSA policy.
- Learning programs, assessment and reporting of student learning.
- Communication with students or parents.
- Complaints where an individual student has reasonable grounds that a process on which a decision was made was flawed or deficient, that is, not merely that the decision was unfair or unjust.

## Complaints outside of the scope of this Policy

This policy will not apply in the following circumstances where a complaint relates to:

- Harm, or suspected harm to a student under 18 years of age regardless of whether the harm has occurred within the school or outside. Such complaints shall be made and dealt with in accordance with the PMSA Child Protection Policy which is available from the Clayfield College and PMSA websites.
- Employee allegations of inappropriate behaviour and/or conduct including discrimination, bullying, sexual harassment or victimisation. Such complaints will be made and dealt with in accordance with the PMSA EEO, Anti-Discrimination, Sexual Harassment & Bullying Policy available from the PMSA Staff Portal.
- Employee complaints where an individual has reasonable grounds that a process on which a decision was made was flawed or deficient, that is, not merely that the decision was unfair or unjust. Such complaints will be made and dealt with in accordance with the PMSA Employee Complaints Policy and Procedure available from the PMSA website.
- Student bullying complaints should be made and dealt with under the Clayfield College Anti-Bullying Policy.
- Student violence or criminal matters will be addressed under the Clayfield College Student Discipline Policy and Procedures as appropriate.

## Principles of managing complaints

- In the case of all complaints, the College will review the allegations and respond to the complainant.
- While the procedural requirements of managing the complaint may vary, the College aims to ensure that:
- complaints are addressed sensitively, promptly and in accordance with relevant College's policy and principles of natural justice;
- all reasonable steps are taken to respect the confidentiality of the people involved in a complaint process;
- fairness and impartiality prevail throughout the appropriate resolution process - until a complaint is investigated and a decision is made, a complaint is an allegation, not a fact;
- appropriate records are maintained throughout the resolution process;
- persons who notify complaints are protected from victimisation or reprisal; and

- persons who notify complaints are regularly informed of the progress of the matter, including the consequences of any finding that the complaint is substantiated or not substantiated.
- persons who notify a complaint are:
- regularly informed of the progress of the matter;
- informed of the consequences of any finding i.e. whether or not the complaint is substantiated.

## Complaints Resolution Procedures

### Informal Process

Except in the case of suspected misconduct or criminal activity, where appropriate and where a person is comfortable to do so, genuine attempts should be made to resolve a complaint through discussion and cooperation with the person who is the subject of the complaint and/or their immediate supervisor, before taking the matter further.

Students are encouraged to speak directly with the person involved in the complaint. If this is a teacher then they should wait until the end of the lesson or arrange an appropriate time to discuss the complaint. It is important to speak respectfully and avoid unnecessary confrontation. If a student is not comfortable interacting in this way, he or she should follow the process below.

1. Speak to another staff member to gain assistance in addressing the complaint. Depending on the nature of the complaint, students may choose to speak to one or more of the following staff members.
  - a) Pastoral Care teacher
  - b) Head of House
  - c) Dean of Pastoral Care
  - d) Deputy Principal
  - e) Principal
2. Allow a reasonable timeframe for the complaint to be investigated and a resolution determined. The staff member managing the complaint must communicate with the student in a clear and timely manner.
3. If the issue is not resolved in a way that is acceptable to the student, they should speak with their parents, guardian or care givers to seek assistance in following up the complaint.

We value open, honest and respectful communication and parents, guardians and care givers are encouraged to raise any complaints according to the following guidelines.

Communicate directly with the relevant staff member. This will most often require that s/he gets back to the person with the complaint after school hours as s/he is likely to be teaching and carrying out other duties throughout the day. There are a number of ways to initiate contact.

- Phoning the College reception and requesting that the staff member make contact
- Emailing the relevant staff member with details of the complaint and requesting that they make contact (include contact details if appropriate)
- Organising a time to meet with the relevant staff member by contacting the College reception.

In the event that a person is not comfortable with speaking directly to those identified above, they are able to speak to the Principal or Deputy Principal. Should no resolution be achieved or in the event that the person has decided that the formal complaint process is more appropriate from the outset, the procedure to be followed is outlined below.

### Formal Process

If a person seeks to have a complaint formalised, it must be detailed in writing and submitted to the employee's immediate supervisor or to the Deputy Principal. If the complaint relates to the employee's immediate supervisor, it is referred to the supervisor's immediate manager or the Deputy Principal. If the complaint relates to the aforementioned staff it should be taken to the Principal. Similarly, if it concerns the Principal then it is submitted to the Chairman of the Clayfield College Council via email [councilchair@clayfield.qld.edu.au](mailto:councilchair@clayfield.qld.edu.au).

A Complaint lodged through this formal process must be in writing and include evidence of specific behaviours or conduct rather than general statements. The written complaint should specifically address the following.

- Detailed outline of the complaint
- Specific evidence relevant to the complaint
- How the person believes s/he has been adversely affected
- The attempts the person has made to resolve the complaint
- The outcome the person believes would resolve the complaint

## Investigating a complaint

The Principal or Council Chair will decide whether a complaint is investigated internally or externally. In both situations the person/s appointed to investigate must:

- Afford procedural fairness to all parties
- Provide all parties with an understanding of the investigation process
- Provide all parties with an understanding of confidentiality
- Provide all parties with an understanding that they should not be victimised for taking part in the investigation process nor should they victimise anyone else

## Support during the complaint process

A student may seek confidential, independent professional support from the Counselling Service at any stage of a complaint.

In any discussions or interviews in which a complainant participates during any complaint process under this policy, whether as a complainant or respondent, the complainant may, at their discretion, be accompanied by one other person, other than a person with a qualification in law, whom the complainant designates as their support person.

A support person may not be a person who was involved in, associated with, or alleged to have been involved in or associated with the subject matter of the complaint.

A support person may only make submissions on behalf of a complainant if invited to do so by the person dealing with the matter.

## Outcomes and referral

If a complaint is investigated under this Policy and findings are made that substantiate any or all of the allegations made, the relevant nominated supervisor/ relevant Member of the Executive may:

- Counsel the staff member involved on their behaviour and the findings made as a result of the investigation;
- Commence disciplinary action in accordance with PMSA Employee Discipline Policy and Procedure, which could lead to disciplinary action being taken, including termination of employment
- Take some other form of appropriate action; or
- Take no further action.

## Withdrawal of complaint

At any time during the process a complainant may withdraw a complaint, by notice in writing to the complaint handler.

- Upon such withdrawal, consideration of the complaint will be discontinued.
- The College reserves the right to further investigate matters on its own initiative based on information that has been provided as part of a withdrawn complaint, or based on information that the College has subsequently acquired that is relevant to the withdrawn complaint.

## Record Keeping

All complaints must be listed on a Complaints Register. This is managed by the relevant Executive staff members, who are responsible for ensuring that all complaints are communicated to the Principal's Personal Assistant for recording on the Whole School Complaints Register.

## Implementation

The Clayfield College Complaints Management Policy and Procedure is communicated to all Clayfield College students, parents, and to both academic and support staff. It is placed:

- on the Clayfield College website;
- in the Clayfield College Student Diary
- in the Clayfield College Boarding Handbook
- in the Clayfield College Staff Handbook Staff training in the procedures takes place with the induction of new staff.

Periodic revisions of the procedures are communicated to all staff by the Principal, and appropriate professional development in the area is arranged by the Deputy Principal throughout each school year.

## Review Process

This policy will be reviewed annually by the Deputy Principal. Any amendments will be discussed at an Executive meeting before final approval is given by the College Council.

## Amendment Register

**Date of Issue:** 1st November 2019

**Page Number:** All

**Detail of and reason for amendment:**

New policy, endorsed by Clayfield College Council.