



MT ST MICHAEL'S COLLEGE

UNDER THE STEWARDSHIP OF MARY AIKENHEAD MINISTRIES

COMPLAINTS MANAGEMENT POLICY

PREAMBLE

Mt St Michael's College is a Mary Aikenhead Ministry in the tradition of the Sisters of Charity. We are called to develop in each member of our community a contemporary understanding and application of the charism of Mary Aikenhead and the spirituality of the Sisters of Charity, and the Mary Aikenhead Ministries' mission, vision and values of justice, love, compassion and hope.

In responding to this call Mt St Michael's College is a Christ-centred community established to educate, in partnership with parents, women of faith, integrity, individuality and compassion, confident of their own worth as women and wholly involved in the transformation of society.

PURPOSE

The purpose of this policy is to provide staff, parents and students (where appropriate) with procedures available to facilitate outcomes and solutions for a dispute or a complaint. The aim is to resolve complaints promptly and in a manner that promotes positive, constructive outcomes, respects all parties and in accordance with the principles of natural justice and due process.

RESPONSIBILITIES

In keeping with the College mission, there is a commitment to resolve complaints at the level closest to where the complaint arises, through processes of dialogue, mediation and conciliation where practicable in the circumstances. All parties involved are to be appropriately supported.

(a) For the Complainant

1. Lodge complaints promptly as soon as possible after the issue occurs or as otherwise appropriate and provide complete and factual information.
2. Not provide false or misleading information.
3. Not make frivolous or vexatious complaints.
4. Expect that the complaint will be dealt with fairly and objectively, in a timely manner with procedural fairness, according to natural justice principles, and that confidentiality and privacy will be maintained as much as practicable in the circumstances.
5. The College's policy is that complaints made by parents should not adversely affect their children and complaints raised by students should not affect them or other students. It may be possible to deal with an issue without naming individuals. However, even if no names are given, the source may be clear and thus, confidentiality cannot be assured. Depending on the nature of the complaint and the circumstances, it may be impractical to investigate without identifying the member of staff or the student - it may also be in the interest of the student to do so.
6. To acknowledge that a common goal is to achieve an outcome acceptable to all parties wherever possible - but this may not always be possible.

(b) For the Respondent

1. Informal Process: The respondent will be informed of the general nature of the complaint by the person investigating the complaint. The person investigating will discuss the process for handling the complaint with the respondent.
2. Formal Process: The respondent will be informed of the specific details of the complaint by the person investigating the complaint as well as the process for handling the complaint and the right to have a support person present at meetings.
3. Not provide false or misleading information.
4. Expect that the complaint will be dealt with fairly and objectively, in a timely manner with procedural fairness, according to natural justice principles, and that confidentiality and privacy will be maintained as much as practicable in the circumstances.
5. To acknowledge that a common goal is to achieve an outcome acceptable to all parties wherever possible-but this may not always be possible.
6. Not engage in victimisation of any person for having made a complaint and/or participated in the investigation.

(c) For the Witness/es

1. Provide accurate, unbiased information.
2. Not provide false or misleading information.
3. Expect that the complaint will be dealt with fairly and objectively, in a timely manner with procedural fairness, according to natural justice principles, and that confidentiality and privacy will be maintained as much as practicable in the circumstances.
4. To acknowledge that a common goal is to achieve an outcome acceptable to all parties wherever possible-but this may not always be possible.
5. Not engage in victimisation of any person for having made a complaint and/or participated in the investigation.

(d) For the Support Person

1. To attend meetings at the invitation of a Complainant, Respondent or Witness to provide them with emotional support and reassurance as distinct from the role of advocate or representative.
2. Maintain and respect the privacy and confidentiality of all parties.
3. Not engage in victimisation of any person for having made a complaint and/or participated in the investigation.

(e) For the College

1. Upon receipt of a complaint manage the complaint in accordance with the complaint processes as prescribed in the 'Process for resolving complaints at a formal level' or 'Process for resolving complaints at an informal level' sections of this policy.
2. Ensure that appropriate support is provided to all parties.
3. Take appropriate action to prevent victimisation or action in reprisal against the Complainant, Respondent or any person associated with them.
4. Appropriately implement recommendations.
5. Maintain and respect the privacy and confidentiality of all parties as far as this is possible in view of the circumstances.

SCOPE

The policy applies to all complaints brought by staff, parents and students (where appropriate) at the College. Student complaints may be brought by students or by parents on behalf of their children, as appropriate. This policy is to be read in conjunction with other relevant policies (listed in References). Where there is any inconsistency with the Student Protection Policy, the Student Protection Policy will apply.

REFERENCES

This Policy and process guides the management of all complaints brought to the notice of the College. It is underpinned by:

- *Education (Accreditation of Non-State Schools) Act 2017 (Part 1, No 7)*
- *The Mt St Michael's College Mission Statement*
- *Mt St Michael's College Student Protection Policy*
- *Mt St Michael's College Student Responsible Behaviour Policy*
- *Mt St Michael's College Appropriate Workplace Behaviour Policy*
- *Code of Conduct for Staff of Mt St Michael's College*
- *Mt St Michael's College Privacy Policy*
- *Queensland College of Teachers Code of Ethics (applicable to teaching staff only)*
- *Relevant legislation*

EXCEPTIONS

The following matters are outside of the scope of this policy:

- Child protection concerns or risks of harm to children should be dealt with in accordance with the law and the school's Student Protection Policy.
- Student bullying complaints should be dealt with under a separate policy.
- Student discipline matters, including matters involving suspension or expulsion, should be dealt with under another 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.

Complaints made to the Board about the Outcomes/Findings/Consequences of a College investigation will not be re-investigated, however the Board will assess whether proper process was followed and respond accordingly.

DEFINITIONS

- Natural Justice:** a process of ensuring that the person about whom the complaint is made is given as reasonable opportunity to respond to the allegations before any finding and/or decision is made that could be adverse to their interests.
- Complainant:** person making the complaint.
- Respondent:** person allegedly "causing" the concern.
- Informal Complaint:** Where the person raising concerns elects not to make a formal complaint and usually involving less serious allegations that are capable of being addressed by appropriate College Personnel through discussion (written or verbal)
- Formal Complaint:** A formal written expression of concern providing detailed information of the concern being raised and is signed and provided to the Principal/College Board
- Support person:** All witnesses are entitled to have a support person at an interview. A support person is any person who attends a meeting at the invitation of a Complainant, Respondent or witness to provide them with emotional support and reassurance and is distinct from the role of advocate or representative.
- College Initiated Complaint:** where the College initiates an investigation based on concerns it holds.

PROTOCOL TABLE – WHO TO CONTACT

TYPE OF COMPLAINT	WHO TO CONTACT
Academic Concern	First instance: Subject Teacher If not resolved, second instance: Curriculum Leader Third instance: Deputy Principal, Curriculum
Sensitive or Personal Concern	First instance: Homeroom Teacher If not resolved, second instance: Pastoral Leader Third instance: Deputy Principal, Students or College Psychologist (can also contact College Psychologist directly)
Spiritual or Religious Concern	Deputy Principal, Mission
Sports Concern	Director of Sport
Music Concern	Program Leader - Music
Other Co-curricular Concerns	Appropriate College Leadership Team (CLT) member

COMMUNICATION OF COMPLAINTS

All communication must be made in a courteous, respectful and constructive manner. Privacy principles must be adhered to. Confidentiality, where required, is agreed to and upheld. Communication may be in one of the following forms:

Type	Expectation
Phone calls	Staff will endeavour to respond to concerns/complaints within two working days. Both staff and parents must show respect and understanding of each other's point of view rather than judge, blame or accuse. College community members must not use verbal abuse, a threatening tone, condescending, sarcastic or hostile manner.
Email	<ul style="list-style-type: none"> Communicate in a respectful, non-threatening manner. Keep email concise and factual with evidence where relevant. Refrain from using defamatory comments. Approach the matter with the intent of working in partnership.
In Person Meeting	<ul style="list-style-type: none"> Approach the meeting with the intention of working in partnership with the College which includes dealing with disciplinary issues relating to their daughters. Respect the legal and moral rights of all community members and treat them with respect, dignity and civility at all times and especially when there is disagreement. Support the Policies/Values/Mission of the College.

Breaches of Communication Expectations:

In the event of any of the communication expectations not being adhered to, the following consequences may apply:

- The Principal may ban any member of the College community from being on the College grounds in general.
- The Principal may direct that any parent may only communicate with members of staff through a nominated College representative.
- In the case of extreme or prolonged breach by a parent, the Principal may terminate the enrolment of the student/s of that parent; and the Principal may take other steps using reasonable discretion to determine appropriate action according to the nature of the breach.

PROCESS FOR RESOLVING COMPLAINTS AT AN INFORMAL LEVEL

1. On receipt of a complaint (written or verbal), the person receiving the complaint will acknowledge receipt of the complaint, assess the nature of the complaint and either deal with the matter themselves or, if appropriate, pass the matter to another more appropriate person.
2. Complaints of an informal nature will be dealt with promptly (through meeting/email/dialogue) in order to clarify the situation and seek a satisfactory outcome. There may be some situations where it is difficult to reach an outcome that is satisfactory to both parties. Where this informal process is not appropriate or does not lead to an outcome, the formal process may then apply.
3. Every endeavour will be made to handle complaints in a supportive manner (considering all relevant information and views of all parties), utilising positive conflict resolutions skills in accordance with the principles of the College Mission Statement.
4. Each party should agree to maintain confidentiality and discretion during the resolution process, to avoid unnecessary escalation of the issue or embarrassment to any party.
5. Every effort will be made by the appropriate College personnel to acknowledge the complaint within two working days. The person dealing with the complaint will advise of a timeframe for dealing with the complaint and progress updates will be supplied. Usually action should be initiated within 7-10 working days but this may vary according to the complexity of the complaint.
6. A person may feel aggrieved in the course of his/her engagement with the College if they do not experience the outcome/s they desire. The College reserves the right to make decisions and judgments using natural justice principles and due process. If further assistance is required a member of the College Leadership Team may be asked to facilitate a process still at the Informal Level to reach an outcome and this person would be acting as the Principal's representative. In situations where a resolution or outcome is not able to be achieved at this level, the complainant has the option of raising the issue at the formal level.
7. It is expected that most complaints will be resolved at this stage.

PROCESS FOR RESOLVING COMPLAINTS AT A FORMAL LEVEL

If the issue is unable to be resolved by the procedures at the Informal Level, the parent or student of the College may make a formal submission to (or request a meeting with) the Principal. Complaints of a very serious nature may bypass the procedures of the Informal Level and require a formal process of handling directly by the Principal.

For security reasons, complaints at this Formal Level (following on from the Informal Level or any complaint of a serious nature) must be signed and submitted in writing to the Principal. In the case of the complaint made at a formal level against the Principal, that matter must be submitted in writing to the College Board Chair and the College Board Chair will undertake the role that would otherwise be conferred on the Principal under this process.

While every effort will be made by the College to acknowledge all complaints within two working days, more serious complaints against staff members will by necessity require all relevant parties to work towards reaching an outcome on a mutually agreed timeline.

PROCESS

Complaint Received

1. The complaint and any documentation (in writing) is received by the Principal.

Information Gathering and Response

1. The Principal (and if needed, another CLT member) will decide how best to investigate and manage the complaint. This may include:
 - handling the complaint under a specific College policy.
 - mediation.
 - investigating the complaint internally for due process requirements.
 - the Principal seeking advice/guidance from members of the College Board.
 - the Principal seeking outside professional advice/independent investigator.
2. The Principal will meet with the Respondent to discuss the complaint and the allegations as known at that time.
3. The Respondent will be invited to a meeting to respond at this time, and also to respond in writing by a due date.
4. Both Complainant and Respondent will be informed of a management plan to address the complaint. Confidentiality will be stressed.
5. All parties are encouraged to have support persons of their choice present for discussions at all appropriate stages of the process, however, the support person should not be any person who may otherwise become involved in the process.
6. a) If the Principal/CLT examines the complaint under a specific policy
 - The Principal/CLT member will carefully consider the complaint and interview witnesses.
 - The Principal/CLT member may seek external advice.
 - The Principal/CLT member makes a decision and communicates this decision to the complainant and writes an investigation report.
 - Should the complainant wish to appeal the decision, this must be made in writing to the Chair of the Board.b) If mediation has been decided upon, an outside mediator may be engaged:
 - The choice of mediator must be discussed with both parties;
 - The mediation will take place;
 - Both parties will be requested to support any outcome; and
 - Sign what was agreed upon.c) If an external investigation takes place:
 - An independent investigator will be engaged and advised of the requirements of this process. The investigator will attend the College to interview both parties and relevant witnesses.
 - All persons interviewed will be instructed to maintain confidentiality and not engage in victimisation and that a failure to comply may result in disciplinary action.
 - The investigation will be conducted in accordance with the independent investigator's own practices and processes subject to approval by the Principal.
 - All the evidence is weighed to establish whether the issues in the complaint are substantiated or not substantiated.
 - The outside investigator makes a written report with findings and recommendations to the Principal. The findings and reasons are provided to the Complainant and Respondent.
 - The Principal is to consider the report and, at their discretion, determine what management action is appropriate, which may include no action.
 - The Principal will inform the parties in writing of outcomes and will have absolute discretion as to the level of detail to provide in the circumstances.
 - That ends the Formal Complaints Process offered by the College.

NOTE: Where a Complaint is made against the Principal, the Board Chair will assume the responsibilities that would otherwise be assigned to the Principal within this procedure.

Possible Outcomes – The Principal will put in place any outcomes resulting from the Principal’s decision. These may include disciplinary outcomes for Staff. Staff outcomes may include any combination of the following:

- Demotion, suspension, probation or dismissal;
- Re-training and professional development;
- Mentoring;
- Official warnings that are noted on the personnel file;
- That the complaint was vexatious or malicious;
- Formal apologies.

NOTE: For students, outcomes will be applicable through referencing the Student Responsible Behaviour policy.

Outcomes decided upon will depend on factors such as:

- The severity and frequency of the issue causing concern;
- The weight of the evidence;
- The wishes of the person who is making the complaint;
- Whether the person causing the problem could have been expected to know that such behaviour was a breach of policy/professional conduct;
- The level of contrition;
- Whether there have been any prior incidents or warnings.

End of Process

1. This ends the Formal Complaints process and communication will confirm this.
2. The College does not offer unlimited opportunities for review if a complainant is unhappy with the resolution of a complaint.
3. An appeal is only likely to be considered by the Principal, in consultation with the Board Chair, if there is evidence that there was a procedural problem with the investigation.

Right of Appeal

Appeals made to the Principal or Board Chair about the Outcome/Findings/Consequences of a College investigation will not be re-investigated, however the Board Chair in consultation with the Principal will assess whether proper process was followed and respond accordingly.

Recording Requirements

1. It is anticipated that most complaints will be handled and resolved informally.
2. Any complaints that are not resolved informally may require recording of information by the staff member and their line manager.
3. Formal Complaints will by their nature have records/notes and these will be held by the Principal.
4. Whenever information is to be recorded formally, the staff member concerned will be advised of the grounds on which the record is kept.
5. Should the complaint be found to be vexatious or based on misinformation, any record pertaining to the complaint or handling of the complaint will be kept in a file separate from the personnel files of the staff members and marked “investigated and found to be vexatious”.

REVIEW

This policy will be reviewed every three (3) years or as necessitated by legislation.

Amended 2016

Amended & Updated October 2019