



DISPUTE RESOLUTION (COMPLAINTS) POLICY 2020

Dispute Resolution (Complaints) Policy (Students and Parents)

Purpose

The purpose of the Dispute Resolution (Complaints) Policy (Student and Parents) is to ensure that student, parent and employee complaints and disputes are dealt with in a responsive, efficient, effective and fair way.

Scope

This policy applies to volunteers, parents, carers, students and members of the public, and describes the step by step procedures to follow upon receiving a complaint.

References

- [Education \(Accreditation of Non-State Schools\) Act 2017 \(Qld\)](#)
- [Education \(Accreditation of Non-State Schools\) Regulation 2017 \(Qld\)](#)
- [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 \(Cth\)](#)
- [St. Michael's College Child Protection Policy](#)
- [St. Michael's College Behaviour Management Policy](#)

Policy Statement

St. Michael's College is committed to ensuring that student and parent disputes are dealt with in a responsive, efficient, and effective and fair way.

St. Michael's College views complaints as part of an important feedback and accountability process.

St. Michael's 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.

St. Michael's 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

St. Michael's 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:

- St. Michael's College, its employees or students have done something wrong
- St. Michael's College, its employees or students have failed to do something that they should have done
- St. Michael's College, its employees or students have acted unfairly or impolitely
- issues of student, parent or employee behaviour that is contrary to their 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 of this Policy

The following matters are outside of 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 St. Michael's College Child Protection Policy.
- Student bullying complaints should be dealt with under the St. Michael's College Behaviour Management Policy.
- Student discipline matters, including matters involving suspension or expulsion, should be dealt with under the St. Michael's College Behaviour Management Policy
- Employee complaints related to their employment should be directed to the Principal.
- Student or employee violence or criminal matters should be directed to the Principal who will involve the Police as appropriate
- Formal legal proceedings

Complaints Handling Principles

St. Michael's 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
- St. Michael's 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
- St. Michael's 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
- St. Michael's College will keep records of complaints
- St. Michael's College's insurer will be informed if a complaint could be connected to an insured risk.

Responsibilities

St. Michael's College

St. Michael's College has the following role and responsibilities:

- develop, implement, promote and act in accordance with the St. Michael's College Dispute Resolution Policy and procedures
- appropriately communicate the St. Michael's College Dispute Resolution Policy and procedures to students, parents and employees
- ensure that the St. Michael's College Dispute Resolution Policy and procedures are readily accessible by staff, students and parents
- upon receipt of a complaint, manage the complaint in accordance with the St. Michael's College Dispute Resolution Policy and 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
- monitor and report to the Board of St. Michael's College on complaints
- report to the insurer of St. Michael's College when that is relevant
- refer to the Board of St. Michael's College 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 St. Michael's College Dispute Resolution 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 St. Michael's College Dispute Resolution Policy and procedure
- 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 St. Michael's College Dispute Resolution Policy and procedures
- maintain confidentiality

Definitions

A complaint is an expression of dissatisfaction with a real or perceived problem. A complaint may be made if a parent or student thinks that St. Michael's College has, for example:

- *done something wrong;*
- *failed to do something it should have done; or*
- *acted unfairly or impolitely.*

A complaint may be made about St. Michael's College as a whole, or about an individual member of staff.

Policy

The key principles for the handling of complaints are:

- St. Michael's College is open to the concerns of parents and students.
- Complaints are received in a positive manner.
- Parents and students can expect to be taken seriously and can approach any member of staff about their concerns.
- Information about complaints is clear and readily available
- Concerns are dealt with speedily and those who have raised them are kept informed about progress.
- It is not acceptable for students to receive adverse treatment because they or their parents have raised a complaint.
- Clear confidential files and a log are kept
- Confidentiality is respected and maintained so far as is possible



- Resolution of the matter is sought
- Staff training covers the handling of complaints.

St. Michael's College will ensure that all members of staff have appropriate training in handling complaints. Training will cover:

- The complaints procedure
- Communication skills, such as listening, questioning and calming
- Handling complaints, negotiation and mediation skills
- Skills in observing, recording and reporting
- The benefits of handling complaints well and the consequences of handling them badly.

Parental Complaints to Staff Members

Staff should deal quickly and honestly with the complaint if they feel confident to do so. Such a complaint might be in relation to a subject grade, perceived unfair treatment of a student, and so on.

If staff do not feel confident about handling the complaint, they will consult with the Deputy Principal or Principal.

If the complaint is about an area that lies outside the staff members' responsibility it will be reported to the Deputy Principal or Principal immediately.

Parents may wish to go straight to the Principal with their concerns. However, it should be noted that the Principal might not be able to respond until they have consulted with relevant staff members at St. Michael's College.

The Principal will share serious complaints with the Chair of the St. Michael's College Board. If a serious complaint is about the Principal, parents are encouraged to write directly to the Chair, via the Board email address collegeboard@smccab.qld.edu.au

Staff should be clear about the nature of the complaint before responding. If it is not immediately obvious:

- the parents may need more time to explain;
- they could be asked to put their complaint in writing;
- it may be helpful to discuss possible outcomes.

All complaints need to be handled seriously.

It is the policy of St. Michael's College that all complaints will be acknowledged immediately; or within five working days if the matter is complex. Staff should keep parents informed about what is happening to their concern or complaint, and, if a more detailed response is needed, by what date it will be received. The issue should be dealt with as quickly as possible.

Recording

A written record of complaints must be kept, with copies provided to the Principal. It is important that staff record the details of the complaint accurately as:

- it may become the cause of legal action in the future;
- patterns in the record may indicate a need for action; and
- the Principal should be able to report on complaints regularly to the St. Michael's College Board.

The log should contain the following information:

- date when the issue was raised
- name of parent
- name of pupil
- brief statement of issue
- location of detailed file
- member of staff handling the issue
- brief statement of outcome.

These files are confidential and are only to be accessed by members of College staff in the presence of the Deputy Principal or Principal. The files should contain simple but clear notes of all conversations with parents

about any source of dissatisfaction. This applies to friendly chats and to telephone conversations, as misunderstandings easily arise. There should be a clear statement of what is concerning the complainant/s. The notes can be agreed with parents.

Confidentiality

Confidentiality is an important issue for students, parents and staff. It is essential that any complaint is treated in a confidential manner and with respect.

Parents often seek an assurance of confidentiality before expressing their concerns. If, for example, they wish to discuss a particular member of staff, they may fear that their child will suffer in some way because they have complained.

It should be made clear to all concerned that it is St. Michael's College policy that complaints made by parents should not rebound adversely on their children and similarly that complaints raised by students should not rebound on them or on other students.

The question of confidentiality should be discussed sensitively and on an individual basis with the parents and the policy's of St. Michael's College should be carefully explained.

It may be possible to deal with a problem without naming individuals. However, even if no names are given, the source of the complaint may be clear. Depending on the nature of the complaint and on the circumstances, it may be impractical to investigate without identifying the member of staff or the child – it may also be in the interest of the child to do so.

Members of staff are rightly concerned that they should know about complaints that might be damaging to their reputation. Such complaints will be known only to themselves and to those who have to be consulted. St. Michael's College will provide support for staff against whom a complaint is made, upon request; this will be provided by a colleague who is not otherwise involved.

If there is a situation involving the Police, the Principal will take responsibility for actions at St. Michael's College and the Governing Body Chairperson will be informed as soon as possible.

Anonymous Complaints

Anonymous complaints may be where there is no indication of either name or address, or where the complainants say that they do not wish to be identified. They may come from members of the public, from parents or from students.

Complaints from the public about the behaviour of a group of students will be dealt with on a general basis, with reminders to all about the expectations of students at St. Michael's College.

Parents and students should be encouraged to give their names and should be given reassurance on the issue of confidentiality. If they persist in wishing to remain anonymous, it is at the Principal's discretion as to what action, if any, should be taken, depending on the nature of the complaint.

Anonymous complaints will be recorded.

Anonymous allegations about child abuse should be dealt with as outlined in the St. Michael's College Child Protection Policy.

Resolution of complaints:

Parents and students may be satisfied the situation has been resolved by any of the following:

- knowing that changes have been made, and that matters will be different in future
- knowing that St. Michael's College is now alert to a possible problem
- feeling that their concern has been considered seriously
- an outcome which may be different from the one they sought, but which they perceive to be well-considered
- a considered letter
- an apology.

Intractable Complaints

There may be a small minority of persistent or aggressive complainants who will never be satisfied, whatever St. Michael's College does. St. Michael's College may even discover on investigation that the complaint was without foundation or motivated by malice. Nevertheless, it is wise to treat all complaints seriously and to follow the procedures.

Most complaints can be resolved if approached positively. If a complaint becomes intractable, it may be due to its nature or to the way in which it was handled, or possibly because the parent perceives St. Michael's College to have 'closed ranks' against him or her.

There are different stages of action to be taken with intractable complaints:

Referral to the Chairman of the St. Michael's College Board of Directors

In most cases, the procedure will be that the Principal refers the matter to the Chairman of the Board and informs the parents that this stage has been reached. However, a situation may arise where the complaint seems to the parent to have been mishandled by the Principal. In those circumstances, the parent may write directly to the Chairman via post to St. Michael's College or email collegeboard@smccab.qld.edu.au

The Chairman will discuss the matter fully with the Principal and be provided with relevant documentation. If a briefing is required from a member of staff, this will occur in the presence of the Principal.

The Chairman will respond to the parents, notifying them that he/she is reviewing the matter, asking them if they wish to add anything further and providing a date by which they may expect a response.

The Chairman may be able to offer a new approach to the matter, and this may satisfy the parents. The Chairman's response will be clear and detailed, and will offer a meeting if the parents remain troubled.

Meeting with the Chairman of the St. Michaels' College Board of Directors

If a meeting is requested, the Chairman will offer to meet the parents at a time convenient to them. Those involved are:

- the Chairman of the St. Michaels' College Board of Directors
- the Principal and, at the most, one other member of staff
- the parents

Parents are encouraged to bring with them a supportive friend who is not involved with the complaint. Legal representation is not appropriate at this stage.

The Chairman, after questioning and listening to the parents and the Principal, may be able to find a solution. If this is not possible, and the parents wish to take the matter further, the Chairman could consider seeking the advice of an independent arbitrator.

Policy Release Details

Date of Policy:	Jan 2020	Supersedes:	Previous
Authorised by:	Board Chair	Date of Authorisation:	Feb 2020
Review Date:	Annually	Next Review Date:	Jan 2021
Policy Owner:	St. Michael's College Board.		