





## WORK, HEALTH & SAFETY POLICY

(WHS0029)

## COMPLAINTS HANDLING POLICY

POLICY DATES			
<i>Formulated</i>	27 <sup>th</sup> November 2013	<i>Adopted</i>	NOVEMBER 2013
<i>Last Reviewed</i>	NOVEMBER 2017	<i>Reviewed</i>	27th FEBRUARY 2020
<i>Next Review Due</i>	AUGUST 2023 (3 YEARLY)		
POLICY AUTHORISATION			
<i>Principal (signature)</i>		<i>WH&amp;S Coordinator (signature)</i>	

## PURPOSE

The Hills Christian Community School (Hills) is committed to providing a safe work environment for all workers and students. The purpose of this Complaints Handling Policy and Procedures is to establish a framework for the handling of complaints that relate to the operation of the School.

We acknowledge that employees, students, parents or a member of the wider community can sometimes feel aggrieved about something that is happening at the School, which appears unsatisfactory, or unreasonable. In these cases, the staff member, student, parent/caregiver may make a complaint about any policy or procedure, decision, behaviour, act or omission (whether by the Principal, members of the Management Team or other staff, students or parents), that are considered to be unsatisfactory or unreasonable.

It is always the aim of Hills to seek to resolve issues through direct discussion between the Management Team and other parties using the framework of Restorative Practices. However, there may be instances in which it is not possible to take up the issue with the other party directly, or doing this does not resolve the matter. It is in such cases, that the Complaints Handling Policy and Procedures should be utilised

A distinctive feature of the Complaints Handling Policy and Procedures is to ensure, so far as is reasonably practicable, that complaints are addressed in a timely and confidential manner at the lowest appropriate management level, in order to prevent minor problems or concerns from escalating. We expect that complaints will be brought forward and resolved in a respectful manner, recognising the dignity of each person concerned. The policy recognises that a number of more minor or simple matters can be resolved without recourse to the formal complaint handling process but rather, quickly and simply, by discussion between the appropriate people.

## POLICY FRAMEWORK

This is the framework that will govern a complaint that may be made. Through this policy we will:

- Endeavour to increase the level of satisfaction and improve the relationship between the School, students, parents and the wider community
- Improve the level of parent satisfaction with the School, and the relationship of parents and families with the School and teachers
- Respect and recognise the innate dignity of each person in any way involved with the School
- Recognise the rights of a person who is the subject of a complaint (the respondent)
- Protect the confidentiality of both respondent/s and the person bringing the complaint
- Recognise and protect anyone's right to comment and complain
- Provide an efficient, fair and accessible mechanism for prompt investigation and resolution of complaints in accordance with the principles of natural justice
- Ensure, so far as is reasonably practicable, information is available on the complaints handling process
- Enable the nature of complaints to be monitored to improve the quality of services by identifying and rectifying practices that may be impeding the quality of services
- Ensure, as far as is reasonably practicable, that the complaint handling process is transparent and comprehensive.

The following principles inform the content of this policy:

### (a) Commitment

Hills will investigate all complaints in accordance with this policy. This will be reflected in the:

- Adoption and distribution of the Complaints Handling Policy and Procedures
- Appropriate training of workers in the implementation of this policy
- Ongoing monitoring and evaluation of effectiveness of the Complaints Handling Policy and Procedures.

### (b) Responsiveness

Complaints will be dealt with promptly. The process and the time needed to resolve an issue will vary depending on the nature and complexity of the issue.

**(c) Visibility**

The existence of this complaint handling policy and procedures, its purpose, and the method of accessing it will be promoted internally for staff, and externally to the community. The policy will be published on the School website and available for staff on the shared file network.

**(d) Subsidiarity**

The process of responding to a formal complaint will reflect the principle of subsidiarity. This means that we expect that complaints may be resolved wherever possible at the lowest level of management necessary for their proper resolution. The Principal, therefore, will not be directly involved in the resolution of those complaints which are more appropriately handled by others in the School community.

**(e) Procedural fairness**

The principles of procedural fairness will be followed in all aspects of complaint handling. Procedural fairness includes:

- Giving anyone the opportunity to put forward their case
- Offering reasonable assistance to enable the complaint to be made and for everyone to know the complaint handling procedures
- Informing the respondent of the substance of the complaint and providing an opportunity to respond
- Providing the respondent with information about the complaint investigation process including outcomes
- Handling the complaint process confidentially
- Determining complaints as expeditiously as possible and advising both parties of the outcome of the investigation
- Assessing the facts and circumstances of the situation objectively and determining the complaint fairly and equitably
- Providing the complainant with details of the determination and reasons for the decision
- Informing the complainant and the respondent of any avenue for review.

**(f) Confidentiality**

Confidentiality is an obligation to the provider of information while privacy is an obligation to the subject of the information. In making a complaint the complainant can feel secure that any complaint will remain confidential. Confidentiality will be respected at all times within the constraints of the need to fully investigate the complaint. The obligation to maintain confidentiality extends equally to the complainant, the respondent and to the investigation of the complaint.

**(g) Access and equity**

The complaints handling process needs to be accessible and additional assistance may be available to anyone from a culturally and linguistically diverse background, those with a disability, or a young person.

**(h) No victimisation**

Anyone making a complaint in good faith will be protected from detrimental action including victimisation or unfair treatment.

**(i) Vexatious or malicious complaints**

There is an underlying assumption that complaints are made in good faith (and with good will) and with an intention for resolution as opposed to retribution.

**(j) Anonymous complaints**

Anonymous complaints do not reflect the principles outlined above. If anyone makes an anonymous verbal complaint to Hills they will be encouraged to identify themselves in order for the procedures outlined in this policy to be implemented fully. If they choose to remain anonymous, then in the case of verbal complaints, they will be informed that the complaint may not be acted upon.

**Please Note** that the position with regard to child protection matters (not covered by the Complaints Handling Policy and Procedures) will be different. *Refer to the Child Protection Policy.*

## POLICY CONTENT

### What constitutes a complaint?

This procedure explains what to do if anyone has a complaint about any decision, behaviour, act or omission at the School.

Complaints may be oral or written. Written complaints include those sent by letter or email. A complaint could be made about, for example:

- Student disciplinary procedures
- Homework
- Damage/loss of personal property
- Student bullying
- School management and school fees
- Quality of teaching
- Breach of privacy
- School resources
- Work health and safety issues.

### What matters are not dealt with under this policy?

There are specific complaint procedures in place for the following matters:

- Child protection issues (i.e. if the complaint is about alleged inappropriate physical contact, sexual misconduct, neglect, or psychologically harmful conduct by an adult towards any child or young person). All such complaints should be made directly to the Principal or Board Chair
- Workplace bullying (Refer to separate Workplace Bullying and Harassment Policy)
- Harassment (Refer to separate Workplace Bullying and Harassment Policy)
- Enrolment
- Employment conditions.

Further information about how to pursue complaints of this nature may be obtained from the Principal.

## PROCEDURES

For the purpose of this document, 'Head of School' refers to the Head of Primary, Head of Secondary or Director of ELC accordingly, and/or the Board Chair.

The procedures described below outline the processes which will be followed at Hills in relation to complaints excluding those relating to the issues not dealt with as listed above.

Where students with special needs are involved in any aspect of complaint resolution, every assistance will be given to them in keeping with their Individual Learning Plan (ILP) to ensure, so far as is reasonably practicable, that they may fully engage with the procedures detailed in this policy.

### If someone believes they have a problem or concern:

The first step is to outline the behaviour that is believed to be unfair or has caused concern to the person with whom there is an issue. This may be the easiest way of resolving any dissatisfaction if the complainant feels comfortable speaking to the other person involved giving an explanation of what behaviour, decision, policy or action was unfair or caused concern and why. Through discussion, the issues may become clear and the parties have a chance to address the problem. Many concerns and complaints can be resolved at this level. If the complainant chooses to speak to the person, it would be helpful if they could use the principles of Restorative Justice:

- Describe clearly the action or behaviour that is objected to
- Focus on the behaviour of the person not on their personality
- Speak clearly and calmly
- State the outcome being sought.

Where the complainant feels that they cannot approach the person directly, or the complainant is not happy with their response or reaction, or the complaint is very serious, the complainant should approach the Head of School (or line manager for staff) with their complaint or concern.

### **Directing the complaint - Who should the complainant speak to?**

- For members of staff with a complaint about another staff member the complainant should, wherever possible, first raise the matter with the other staff member
- For members of staff with a complaint about a parent the complainant should first raise the issue with their Line Manager
- For members of staff with a complaint about a student the complainant should first raise the issue with their Line Manager
- If a parent/caregiver has a complaint about a student other than their own child, the complainant should raise it with their child's classroom educator
- If a parent/caregiver has a complaint about a member of staff the issue should first be discussed with the relevant educator or educator's Line Manager. If the matter is not resolved, the issue should then be raised with the relevant Head of School
- If a student has a complaint about another student, they should raise the issue with their classroom educator
- If a student has a complaint about a member of staff they should raise it first with the relevant educator then the Head of School
- If a parent/caregiver or staff member has a complaint against the Principal, the complaint should initially be raised with the Principal. If the matter cannot be resolved, the issue should then be raised with the Board Chair.

### **How Hills will go about resolving complaints**

The first step with any complaint is to ensure, so far as is reasonably practicable, that the appropriate person is handling the complaint on the basis of subsidiarity. When this has been ascertained, the person handling the complaint will record details of the information provided in support of the complaint, ask what action the complainant would like taken in response to their complaint and explain to the complainant how the complaints procedure works. **Where appropriate, a Restorative approach will be used in conflict resolution (as per the Restorative Practices Information Booklet).** (Refer to Attachment Schedule 1).

In the event that the complainant wishes to make a formal complaint, then the following steps are undertaken. The Principal or Board Chair will handle the formal complaint. They will:

- Invite the complainant to bring a support person with them to any meeting that they are invited to attend, to consider their complaint. Any person to whom the complaint relates, will similarly be invited to bring a support person. The support person is invited to support and observe, but not interrupt the meeting. The support person should not answer questions on the complainant's behalf, but may take notes on the complainant's behalf, and must maintain confidentiality about all matters discussed at the meeting
- Put the information received from the complainant to the person about whom the complaint is made, or to the person responsible for the particular area of School life, to which the complaint relates and seek her / his response
- If appropriate, interview any witnesses involved. This will be done carefully so as not to breach confidentiality
- Upon considering all the information gathered, reach a conclusion and advise the complainant and any person to whom the complaint relates, of the outcome of the investigation.

### **What are the possible outcomes?**

A complaint may be resolved in a variety of ways. This will depend on whether or not the complaint is substantiated, the seriousness of the matter, the wishes of the complainant and the nature of the working relationship of the persons involved. A complaint is said to be substantiated if the person investigating it believes that, on the balance of probabilities, the allegation did occur.

If the complaint is upheld or sustained, the following are some possible outcomes depending on the nature of the complaint:

- An agreement between the parties
- A verbal or written apology
- The review of a policy or procedure
- Mediation
- Targeted professional development opportunity or training
- Dissemination of information
- Referral to counselling
- Directions about further interaction between the parties to the complaint
- Where a staff member is the subject of the complaint, disciplinary action may follow
- Where a student is the subject of the complaint, a range of sanctions, as set out in the Behaviour Management Policy, may be invoked.

If a complaint is not upheld or not substantiated (e.g. the evidence is insufficient on the balance of probabilities), but some issue or matter comes out of the investigation that is required to be addressed then possible outcomes include:

- Relevant training for staff or students
- Monitoring of behaviour of staff, students or parents
- Counselling for the parties involved
- Mediation at local level
- Review of policy or procedure.

If the complaint is proved not to have happened at all, or if there is evidence that the complaint was made with the main purpose or intent of causing distress to the respondent, the following are possible outcomes:

- Counselling for one or more of the parties involved
- A verbal or written apology from the complainant
- Disciplinary action (where the person affected is a student or staff member).

### **What to do if the complainant is not satisfied with the outcome at the conclusion of the school process**

Where a complaint has been dealt with at the School, but the complainant is not satisfied with the outcome, or the complaint directly concerns the Principal, then the complainant should contact the Board Chair and explain their problem or issue.

### **Right of review**

If a complainant has been involved with a complaint matter and they have concerns regarding the complaints process, or believe the outcome to be unfair, the complainant may refer the matter to the Board Chair where the investigation process will be reviewed and a decision made as to whether these procedures have been followed and reasonably determined. Depending on the outcome of this investigation, either no further action may follow, or there may be further consideration of the matter.

This procedure does not limit the complainant's right to use other available agencies and processes, such as the Privacy Commissioner, the Ombudsman, the Workplace Regulator or legal processes.

### **Complaints must not be directed to the Minister of Education**

In terms of the State Government Funding Deed, the School must issue a clear statement that neither the Minister for Education nor the Department of Education and Child Development has any power to directly intervene in any complaints relating to the operations of a non-government School.

### **Record Keeping**

Records of complaints, interviews and other documentation relating to a complaint investigated at the School will be kept at the School in a restricted access file. These records will be kept permanently.

## RELATED LEGISLATION, POLICIES AND PROCEDURES

### ***Some suggested related Policies might include:***

*Enterprise Bargaining Agreement (Clause 14: Dispute Resolution)*

*Behaviour Management Policy*

*Creating Safe and Supportive School Environments – Child Protection Policy*

*Enrolment Policy for The Hills Christian Community School*

*Workplace Bullying & Harassment Policy*

*Work Health and Safety Policy*

*Restorative Practices Information Booklet*

## POLICY REVIEW:

This Policy/Procedure will be reviewed every three years, or earlier if deemed necessary by Management or the WH&S Committee.

## RECORD OF FORMAL COMPLAINT

### Schedule 1

Record of complaint .....

Date and Time .....

Name of complainant .....

Address of complainant .....

Contact telephone number .....

Detail of complaint .....

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*(Continue on blank sheet of paper if more space is required)*

Date of incident leading to the complaint *(if applicable)* .....

Witnesses *(if any)* .....

Name of interview person .....

Name of person handling complaint .....

Follow up action .....

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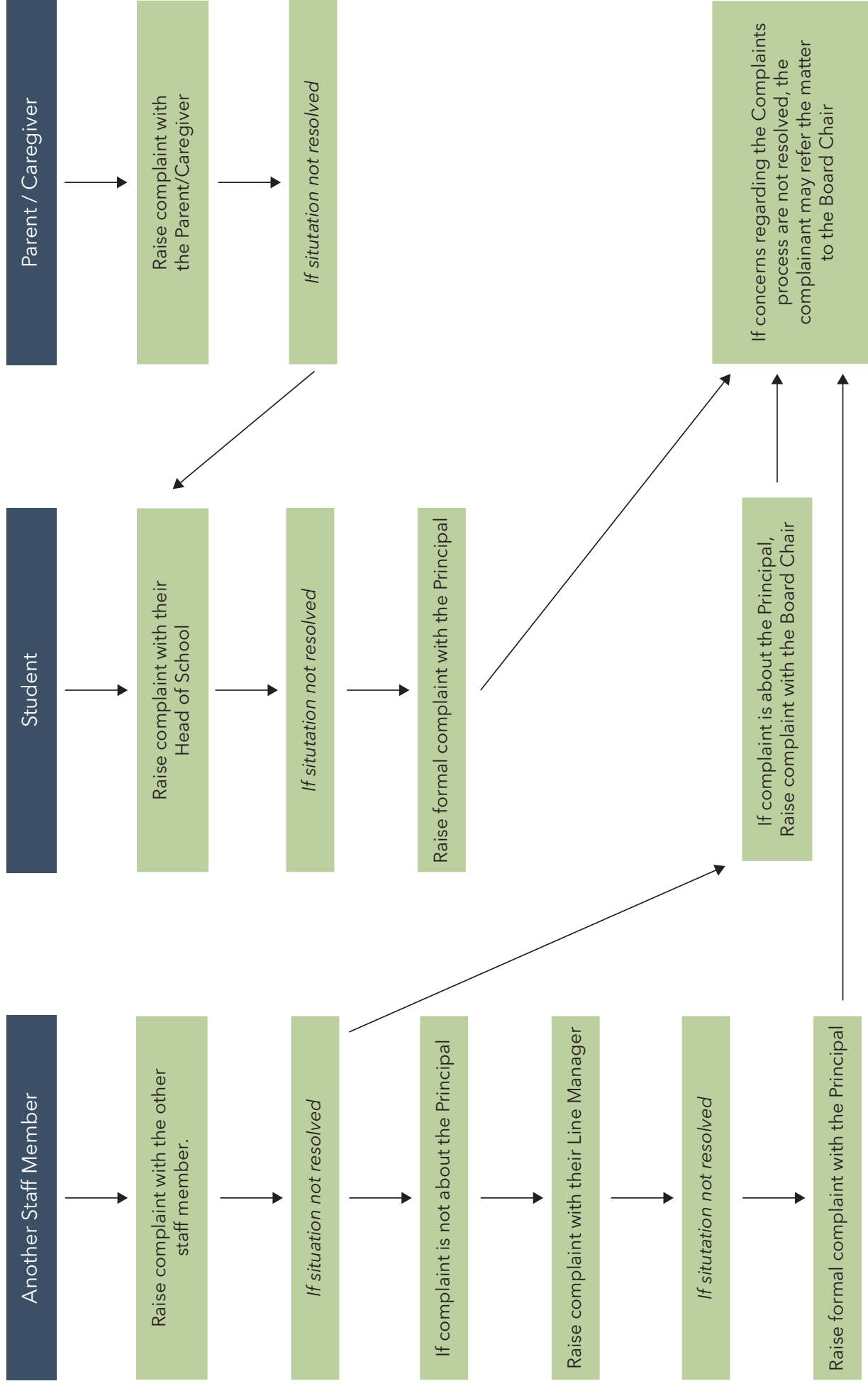
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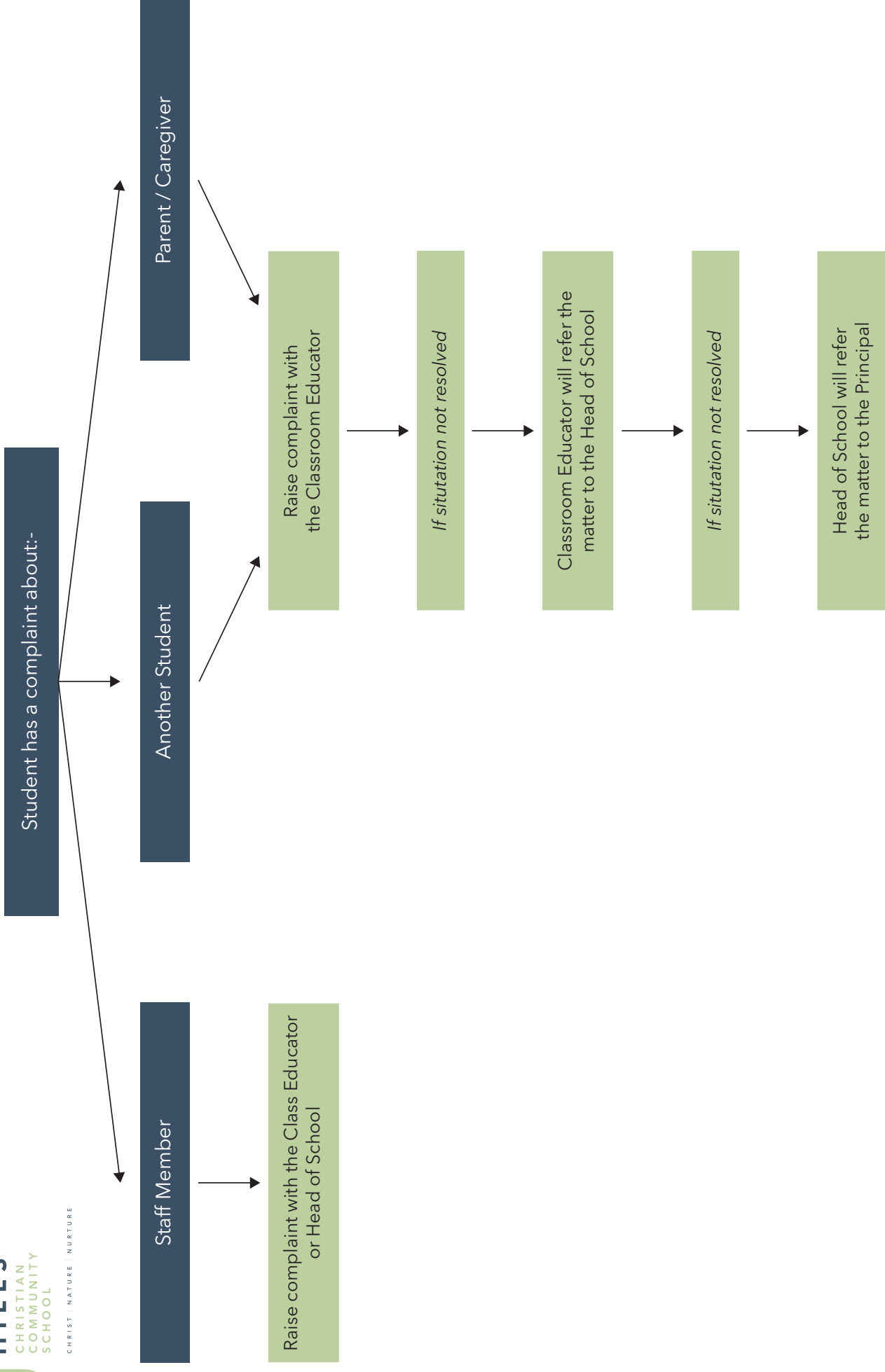


## COMPLAINTS HANDLING FLOWCHART

Staff Member has a complaint against:-



COMPLAINTS HANDLING FLOWCHART





## COMPLAINTS HANDLING FLOWCHART

Parent/Caregiver has a complaint against:-

Staff Member

Raise complaint with relevant  
Staff Member

*If situation not resolved*

Raise complaint with the Head of School

If complaint is about the Principal,  
Raise complaint with the Board Chair

Student

Raise complaint with the  
relevant Classroom Educator

*If situation not resolved*

*If situation not resolved*

Raise formal complaint with  
the Principal

Another Parent / Caregiver

Raise complaint with  
the Head of School

If concerns regarding the Complaints  
process are not resolved, the  
complainant may refer the matter  
to the Board Chair