Policy No. 6

FORMAL COMPLAINTS POLICY

Policy adopted from Nambour Christian College 2011

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Formal Complaints Policy
Updated March 2014
GCC/Governance/GCC Formal Complaints Policy
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1) INTRODUCTION

a) There will be times when members of the Gulf Christian College community (staff, students, parents) will wish to question or bring complaints against behaviours of persons or decisions.

b) Most complaints will be able to be satisfactorily remedied INFORMALLY through communication with Principal and staff. Appointments can always be made with the CEO or Principal to discuss issues.

c) Additionally, College policies are in place to address and remedy behaviours of concern. They include the Drug and Substance Abuse Policy, the Suspensions and Exclusion Policy and the Student Bullying Policy.

2) SCOPE

This policy covers Formal written Complaints about any matter (other than an Industrial or Child Protection matter), brought by parents and staff of the College. Formal Complaints concerning Anti-Discrimination, Sexual Harassment and Bullying are also made using this policy procedure.

3) PURPOSE

This policy exists to provide a clear FORMAL PROCEDURE for parents and staff should they wish to make such a complaint about any matter (other than Industrial or a Child Protection matter). The complaint must be in writing to the Principal of the College. The person making the complaint can make an appointment to speak with the Principal about the problem and can make the written complaint after that meeting.
4) **PRINCIPLES**
   (a) All members of the College community have a right to work in an environment conducive to their wellbeing and safety.
   (b) Natural justice will be accorded to all.
   (c) Confidentiality will be observed as an important principle of complaint resolution.
   (d) Complaints need to be handled in a consistent and timely manner.

5) **POLICY STATEMENT**
   (a) The College acknowledges the right of parents (personally or on behalf of students) and staff to seek remedy for concerns and problems they have arising out of behaviour or decisions associated with the College.
   (b) All formal complaints will be investigated under this policy.
   (c) Natural justice and confidentiality will be stressed.
   (d) Outcomes for substantiated complaints will be put in place.
   (e) Any person whose presence at the College/area of the College is seen in the reasonable view of the Principal to be an unacceptable risk to others, will be directed to specific areas or even non-attendance at the College (on full pay) while the complaint is being addressed.

6) **INTERNAL FORMAL COMPLAINTS PROCEDURE**
   (a) The complainant is required to make the complaint in writing (providing all the details of concern) to the Principal
   (b) The complaint and any other documentation is collected by the Principal
   (c) The Principal and CEO (with, as necessary external advice) will decide how best to manage the Complaint. This may include:
      - Handling the Complaint under a specific School Policy — if applicable. e.g. Child Protection Policy, Bullying and Professional Conduct.
      - Mediation
      - Internal investigation by appropriate senior staff person or other delegation.
      - Engaging an external person to investigate the Complaint.
   (d) The Principal and/or CEO will meet the alleged Offender /Respondent to inform him/her of the Complaint and all written details and copies of documents known at hand
• The Respondent will be invited to respond then and there and also at a later time / orally, or in writing.
• Both Complainant and Respondent will be informed of the plan decided upon to address the Complaint.

(e) Both parties are encouraged to have support persons of their choice at all stages of the proceedings (including Union);

(f) If Mediation has been decided upon, an outside mediator or other mediator agreeable to both parties will be engaged by the Principal

• The mediation will take place
• Both parties will be requested to support any outcome
• Both parties will be requested to sign on the outcome agreed upon
• The matter will subsequently be monitored at set intervals

(g) If the Principal or CEO decide the matter needs to be investigated the Principal will decide who does the investigation.

• At times a person may be stood aside for the duration of the investigation should in the reasonable view of the Principal unacceptable risks exist.
• Relevant members of staff and parents may be interviewed by the Investigator.
• The investigator will complete a Report with Findings on all the evidence.
• The Principal and CEO will review Report recommendations and provide both parties with a copy of the Findings.
• The Principal and CEO (as appropriate) including any external advisor, will decide on the outcomes and consequences.

  o NB. Witness name and statement will not be shared with parties.

(h) The Principal will put consequences/outcomes in place;

(i) This marks the end of the School Formal Complaints Process;

(j) Where an outside investigator is brought in: - (personally or by telephone)

• The Investigator will attend the school to interview both parties and relevant witnesses as nominated by complainant, respondent and Investigator
• All interviewed will be requested to sign a Confidentiality Agreement for Parties and Witnesses form
• All statements taken will be signed as a ‘true record’ of information given.
(k) Where a Formal Complaint has been lodged the following type of evidence may be relevant or required:

- Supervisors report and personnel records (e.g., sudden increase in sick leave)
- Supporting evidence provided by a medical practitioner, counselor, family member, friend or co-worker
- Complaints or information provided by other employees about the behaviour of the alleged person causing the concern
- Records and diary notes kept by the person who has the concern
- Whether the evidence was presented by the parties in a credible and consistent manner
- The absence of evidence where it should logically exist.

7) OUTCOMES

(a) The Principal and CEO will put in place any outcomes resulting from their decision. These may include disciplinary outcomes for Staff. Staff Outcomes may include any combination of the following:

- Disciplinary action INCLUDING 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

(b) 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

(c) Disciplinary outcomes will apply to anyone who brings a Complaint which is considered vexatious or without any basis.

(d) There may be times when a Complainant does not want to continue with any process or investigation. If the issues raised are such that the health and wellbeing of staff or students is being adversely affected, the School reserves
the right to instigate an investigation irrespective of the wishes of the Complainant or other parties.

(e) The decision of the Principal and CEO marks the end of the Complaint Process offered by the School. There is no appeal process.

8) **NON-COMPLIANCE WITH THE RESOLUTION PROCESS**

All employees under their contract of employment are required to assist the College in its reasonable efforts to manage disputes. Where the person against whom a Complaint was lodged refuses to attend meetings, or refuses to take part in mediation sessions, or severely breaches confidentiality to the extent that the business objectives of the School are compromised, he/she may be subject to disciplinary action. In any case, the investigation will proceed and recommendations, decisions and actions put in place.

9) **EXTERNAL COMPLAINTS PROCEDURE FOR WORKPLACE BULLYING**

Amendments to the Fair Work Act (2013) provide those who believe they are bullied at work with a right to make application to Fair work Commission to stop the bullying. The Application Form is available on the Fair Work Commission website and the cost is approximately $65.00.

10) **RESPONSIBILITIES**

(a) The Board is responsible for the development, adoption and compliance of this policy.

(b) The CEO is available to the Principal for assessing and consulting with the Principal where necessary:

(c) The Principal is responsible for;

- The overall management and application of this Policy
- Modelling appropriate workplace behaviour and practice
- Responding and managing inappropriate behaviour regardless of whether a Complaint is received.
- having an expectation and encouraging all staff to behave in accordance with the goals and values of the school, and within the principles of equity and anti-discrimination
- Dealing with Complaints seriously and in accordance with the principles and procedures of this Policy and the Law.
- Widely promoting the wellbeing of staff and students ensuring that this policy forms part of the induction process for new staff
- Undertaking professional development in support of this policy

(d) School staff are responsible for;
- Being familiar and complying with this policy and Complaint procedure
- Maintaining a high standard of behaviour and workplace practice and treating each other with respect and dignity
- Refraining from behaviours that may constitute bullying, harassment or discriminatory or unfair practice
- Undertaking professional development in support of this policy

11) **REVIEW**

This policy will be reviewed every three years or as required by legislation.
ANNEXURE A – FORMAL COMPLAINTS FORM
ANNEXURE A

FORMAL COMPLAINTS FORM
For completion by person making complaint

Date:

The purpose of this form is to collect statistical information about anti-discrimination, sexual harassment and bullying complaints so that this information can be transferred to the Harassment Register. **No identifying information is to be recorded on this form.** A quarterly report is generated from the Harassment Register and forwarded to the Principal/Delegate. Statistical information includes the gender, and employment status of person making complaint and person who is being complained about, and options chosen for resolution.

DETAILS ABOUT RECEIVING COMPLAIN (For completion by office staff)

Date of receipt of complaint: ______________________________

Name of person who received the complaint at the first instance: ______________________________

The complaint was referred to:

- [ ] The Principal/Head of College
- [ ] Head of School – P/M/S

INCIDENT DETAILS

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Name of who finalized this complaint:

____________________________

Date of filing:

____________________________
ANNEXURE  B

CONFIDENTIALITY PROTOCOL FOR PARTIES AND WITNESSES

This interview is being conducted by (College) ________________________________ into allegation(s) of workplace problems / complaints and will be carried out based on the principles of natural justice and in good faith.

PLEASE NOTE THE FOLLOWING

1. True and accurate disclosure and co-operation is essential in establishing the facts.
2. Confidentiality is to be maintained at all times to protect privacy and avoid defamation. Only people required to know the information (Principal and CEO) should be told the details of the alleged problem. No discussion about the fact that there has been an interview or what has been said at the interview must occur.
3. If confidentiality is breached, you could be sued for defamation. The College will regard breaches of confidentiality as serious and may take disciplinary action.
4. You are requested to proceed in a professional manner and observe appropriate workplace behaviours. No “victimisation” of anyone must arise during or after the investigation of this complaint.
5. Concise notes will be taken of what you say and will be shown to you at the end of the interview for accuracy.
6. You can contact your support person / union member at any stage of the process. You have been advised of your right to have a support person present at this or any subsequent interview.

I have read and understand this protocol.

Name
__________________________________

Signed
__________________________________

Complaints Manager
__________________________________

Signed
__________________________________

Telephone
__________________________________

Date
__________________________________

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