



# Downlands College

## COMPLAINTS HANDLING PROCEDURE



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### **1.0 Purpose and Scope**

Downlands College (College) is committed to providing a safe and supportive environment for all staff and students. The College acknowledges any complaints around discrimination, harassment or other areas of concern need to be handled in a professional manner, in line with the MSC Ethos and College Values.

A staff member, student, parent/carer, or community member can make a complaint about any decision, behaviour, act, or omission (whether by the Principal, members of the College Leadership team or other staff/students) that they feel is discriminatory or unreasonable.

The aggrieved person may address the issue by raising the complaint directly with the person involved. However, that is not always possible, and sometimes several attempts at local or face-to-face resolution have been attempted or have taken place without success. Whilst most issues can be resolved through direct discussion with the relevant parties, there may be instances in which to take up the issue with the other person on a face-to-face basis is not possible.

Examples of complaints covered by this procedure include:

- issues related to student discipline procedures
- issues related to teaching and learning
- damage/loss of personal property
- issues related to student protection procedures
- bullying and harassment

In conjunction with this Complaints Procedure, note should be taken of relevant legislation, guidelines, policies, and procedures pertinent to the issue, including for instance:

- Workplace Health and Safety Policy
- Student Protection Processes and Guidelines
- Enrolment Policy and Procedures
- Downlands Student Level System
- Downlands College Code of Conduct (Staff)

This procedure applies to:

- All staff
- Students within the College
- Parents/Carers of students at the College
- Members of the wider College community

## 2.0 Key Elements

### Impartiality and procedural fairness

If you make a complaint, it will be investigated in a fair and impartial manner. No judgements or assumptions will be made, and no action will be taken until the investigation is complete. If a complaint is made against you, your rights will be protected, and you will be given an opportunity to tell your side of the story.

### Confidentiality

If you make a complaint under this procedure, it will remain confidential. The only people who will have access to information about the complaint will be the person making the complaint, the person to whom the complaint is made, the person investigating, the College Principal and relevant persons who may be involved. The person about whom the complaint is made also has a right to be informed.

### No victimisation

The Principal will ensure that any person who makes a complaint is not victimised, in any way.

### 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.

### Timeliness

Each complaint will be addressed within an appropriate period of time. Complainants will be advised if the matter cannot be addressed within one month e.g. Mandatory Reporting.

### 3.0 Procedure – Making a Complaint

#### Before making a formal complaint

If a problem or concern that arises within the College and cannot be resolved with the person involved, then it should be raised with an appropriate staff member (Year Leader, Curriculum Leader, Team Leader, Head of Boarding, Assistant Principal, Deputy Principal) with a view to discussing the issue, obtaining the facts, seeking resolution of a satisfactory nature/outcome.

Parents are advised not to approach the children of other families with a College related complaint. This is often a sensitive area and in order to protect all the parties it is advisable to communicate through the relevant teacher or member of the College leadership team.

Some complaints, due to the seriousness of their nature, should be referred immediately to the Principal. This includes complaints about behaviour which places others at risk of serious illness, injury, or harm.

#### Making a formal complaint

If the above process of raising the concern, obtaining the facts, and obtaining resolution is not producing a satisfactory outcome, the following steps can be undertaken. The purpose of these steps is to offer a process by which staff/students/parents/community members can have complaints addressed and dealt with in an appropriate manner.

#### Step 1 – Approach the Person involved

In many situations, the most appropriate thing to do first is to tell the person who is the cause of the complaint how you feel. If the complaint is about their behaviour, tell them that it is offensive/hurtful/not acceptable. If it is about a work decision, tell them why you think it is discriminatory, harassment or unreasonable. Telling the person will give them a chance to stop or change what they are doing or explain their decision and why.

#### Step 2 - Contact the College

Where you feel you cannot approach the person directly or you are not happy with their response or reaction, then you can explain the problem to the appropriate person at the College. An enquiry at the College reception may be the first point of contact for people with complaints. You will be advised of the designated person to deal with the nature of the complaint. This person may be a Year Leader, Curriculum Leader, Team Leader or the Assistant Principal, Deputy Principal or Principal. The designated person will advise you about what your options are and the steps if you make a formal complaint.

### Step 3 – Contact College Board Chairperson or MSC Provincial

Where you feel you cannot approach the person directly or you are not happy with their response or reaction, and you have a good reason not to raise the issue either with the College designated person or the College Principal, you can contact the College Board Chairperson or MSC Provincial and explain the problem and issues. The College Board Chairperson or MSC Provincial will discuss with you raising your concerns at the College level. The College Board Chairperson or MSC Provincial can also advise you about your options.

Please note that if the College Board Chairperson or MSC Provincial forms the view that your complaint is more appropriately dealt with at the College level, then you and the College will be advised of that decision. Where students and parents make complaints, these will automatically be referred back to the College unless the complaint is against a decision of or about the Principal and has previously been raised with the Principal without resolution.

### Step 4 – Next steps

Once you have made the complaint to a person at the College, that person will then consider whether there are any reasons why he/she should proceed to deal with the complaint. For example, the person you complained about may be a personal friend. If there is such a reason which indicates it is inappropriate for the designated person to deal with your complaint, it will, with your consent, be referred to another appropriate person.

The designated person will then interview you or organise another appropriate person to interview you. During this interview a number of things will be explained to you, such as what will happen if the complaint is found to be supported by the evidence, or if it is found to be not supported by the evidence. You will also be told where you can go for assistance if you are not happy with the way the College is dealing with the complaint. The designated person will then take a written record of the complaint.

The designated person will then speak to the person about whom the complaint is made to hear their side of the story. Any witnesses will also be interviewed. These interviews will be conducted separately and impartially. Written reports about the complaint may be requested. The importance of confidentiality will be stressed to all parties, and they will be warned of the consequences if there is a breach of confidentiality (e.g. possible defamation action, initiation of a complaint for harassment).

The designated person will then tell you what the other people said and discuss what should be done to sort out the problem. You should tell the person what action you would like taken, e.g. a written apology from the person etc. This allows the designated person to understand, from your perspective, what you believe you need from the process. It will not dictate the remedy that might ultimately apply.

### Step 5 - Review

If the complaint remains unresolved it will be reviewed by either the Principal or Principal's delegate. They will make a final decision as to the outcome of the complaint.

Please note, this review step will only be possible if the Principal or Principal's delegate has not been acting as the designated person.

## 4.0 Potential Outcomes

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

- An agreement between the parties
- A verbal apology
- A written apology

Where staff members are the subject of a complaint, action taken may be as stated in College Code of Conduct. Where students are the subject of a complaint, action taken may be as stated in the Downlands College Student Level System.

If a complaint is not upheld or not substantiated (e.g. there is insufficient evidence) but some issues come out of the investigation that are required to be addressed then, possible outcomes include:

- Relevant training for employees and/or students; and/or
- Monitoring of the behaviour of employees and/or students
- Counselling for the aggrieved person
- Mediation at the local level.

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

- Counselling for the person who made the complaint
- A written apology from the person who made the complaint
- An official warning
- Referral for disciplinary action for students and staff

The relevant designated person will make sure that whatever outcome is decided upon actually happens. The designated person or the College Principal (unless they are the object of the complaint or grievance) will also assess the effectiveness of the outcome from time to time.

## 5.0 Appeals

There are three avenues of appeal if you feel that the complaints procedure has not been followed properly, or that the outcome is unacceptable to you.

### Appeals at College level

To the Principal if the Principal has not been involved in investigating or examining the complaints or is not the person named as the source of the grievance.

The appeal will consider:

- The way the complaint was handled and examines the outcome. If he/she believes it was handled properly and that the outcome was appropriate he/she will take no further action
- If he/she thinks that the complaint was not handled properly, or that the outcome was inappropriate, he/she will organise for the complaint to be looked at again

#### Appeals to the Downlands College Board or MSC Provincial

The College Board Chairperson or MSC Provincial if the Principal has been involved.

#### Appeals to an External Agency

If you are not happy with the way your complaint has been dealt with by the College, you may wish to go to an external agency for further advice and assistance. You may take your complaint to the external agency at any stage in the procedure if you are unhappy with progress in dealing with your complaint. The agencies that would most likely have jurisdiction are:

- Human Rights and Equal Opportunity Commission (Federal)
- Anti-Discrimination Commission Queensland

### 6.0 Student Protection Processes and Guidelines

The College is committed to creating and maintaining safe environments for students. A critical area of importance is how to respond to, and report abuse, harm, and the behaviour of a staff member that a student considers is inappropriate.

These processes set out the responsibilities for staff members in schools where they have a concern for the protection of a student, including addressing processes required by law:

- processes for how the College will respond to harm, or allegations of harm, to students;
- a process for the reporting by a student to a stated staff member of behaviour of another staff member that the student considers is inappropriate;
- a process for how the information reported to the stated staff member must be dealt with by the stated staff member;
- a process for reporting sexual abuse or suspected sexual abuse in compliance with the *Education (General Provisions) Act 2006*, section 366; and a suspicion of likely sexual abuse in compliance with the *Education (General Provisions) Act 2006*, section 366A; and
- a process for reporting a reportable suspicion under the *Child Protection Act 1999*, section 13E.

Whilst the legislation relating to the mandatory reporting of sexual abuse and likely sexual abuse as outlined above relates only to students under 18 years of age, these processes extend the meaning to include students who are 18 years of age or above.

In addition, whilst the legislation limits the mandatory reporting of sexual abuse or likely sexual abuse of a student to reasonable suspicions formed in the course of the staff member's employment at the school, it is the policy of the College that all reasonable suspicions of sexual abuse or likely sexual abuse of students, regardless of when they are formed, are reported to Queensland Police in accordance with these processes.

These processes apply to all staff members employed by the College. The Student Protection Processes and Guidelines are readily available on the College website.

## 7.0 Record Keeping

Records of complaints, interviews and other documentation relating to a complaint are kept at the College (where dealt with at College level) in a separate complaints file. If the complaint is about a person, documents are placed in a restricted access file. If there are considered to be serious ongoing management or care issues relating to a complaint, there will need to be a cross-reference to the restricted file on the staff member or student file.

## 8.0 Designated Persons for Complaints

### At the College

The College will nominate the designated person/s responsible for dealing with complaints in specific areas of College activity. When this occurs, it should be clearly communicated to staff, parents and students, as relevant. A designated person will generally be a Year Leader, Team Leader, Assistant Principal, Deputy Principal or Principal. If you are uncertain about who is the designated person for a specific issue, then contact the College office for this information.

### College Board Chairperson or MSC Provincial

The D College Board Chairperson or MSC Provincial will designate person(s) to review the complaint if the complaint has been made about the College Principal.





# Downlands College

## ISSUE OF CONCERN OR GRIEVANCE FORM

### YOUR DETAILS

SURNAME: \_\_\_\_\_ GIVEN NAMES: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ POSTCODE: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ MOBILE: \_\_\_\_\_

### WHAT IS YOUR ROLE IN THE COLLEGE

- |                                       |                                       |
|---------------------------------------|---------------------------------------|
| <input type="checkbox"/> STUDENT      | <input type="checkbox"/> PARENT/CARER |
| <input type="checkbox"/> STAFF MEMBER | <input type="checkbox"/> OTHER _____  |

### HAVE YOU DISCUSSED THIS MATTER WITH A DESIGNATED STAFF MEMBER?

- |                              |                             |
|------------------------------|-----------------------------|
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
|------------------------------|-----------------------------|

IF yes, when: \_\_\_\_\_ Who: \_\_\_\_\_

What was the result?

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### PLEASE PROVIDE DETAILS OF ISSUE OF CONCERN OR GRIEVANCE

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Privacy Notice: The information provided on this form will be used by the College to follow up your Concern or Grievance. The information may be provided by the College to the MSC Provincial Office, who monitor the services provided by the College or to the police for law enforcement purposes. The provision of this information is voluntary, and it will be stored securely.