



# Complaints Framework: Complaints Management

Version 2.0

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Policy Pertains to:	Board; all Staff; school community

Version	Date	Notes
2.0	May 2021	Revision of Complaints Framework: New version of Complaints Framework 1 Complaint Management; Procedures incorporated into Complaints Procedures Handbook; and Investigations, Interviews & Meetings Handbook; Revision of: Complaints 2 Staff Grievances; New Policy: Complaints 3 Whistleblower Policy

## Version History

Version	Date	Notes
1.0	June 2017	New CEN Hub policy to replace existing Grievance Policy
1.1	July 2018	Minor amendments re written complaints
1.2	November 2018	Updated references to Executive Staff
2.0	February 2021	Revision of Complaints Framework: New version of Complaints Framework 1 Complaint Management; Procedures incorporated into Complaints Procedures Handbook; and Investigations, Interviews & Meetings Handbook; Revision of: Complaints 2 Staff Grievances; New Policy: Complaints 3 Whistleblower Policy

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## VISION STATEMENT

*A Christ centred learning community exploring and impacting on God's world*

## MISSION STATEMENT

*To assist parents in the nurture of their children, by providing a Christ-centred, biblically grounded, culturally engaging and academically rigorous education that instils hope and equips children to live for God's glory*

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## **Important related documents:**

### **Complaints Framework:**

Complaints Management  
Staff Grievances  
Whistleblower Policy  
Complaints Procedures Handbook  
Investigations, Interviews & Meetings Handbook  
WHS Policy suite  
Child Protection Policy  
Privacy Policy

Teaching & Learning Policy suite  
Finance policies  
Enrolment Policy  
Behaviour Management Policy  
Anti-Bullying Policy  
Staff Code of Conduct  
Student Code of Conduct  
Code of Conduct for Parents & Visitors

## **Relevant Legislation**

See: Register of Compliance Obligations

## **Other References:**

Registered & Accredited Individual Non-government Schools (NSW) Manual, *Latest version on NESA website*

AS/NZ 10002-2014 Quality Management - Customer Satisfaction – Guidelines for Complaints Handling

Complaint Handling Guide: Upholding the rights of children and young people, National Office for Child Safety, 2019

A Guide to the Child Safe Standards, Office of the Children's Guardian, 2020

## **Resources:**

Attorney-General, resources for alternative dispute resolution

NSW Community Justice Centres

NSW Ombudsman

NSW Anti-Discrimination Board

Human Rights & Equal Opportunity Board

Fair Work Commission

Privacy Commission

Vocational Education & Training (VET) – [www.training.gov.au](http://www.training.gov.au)

## 1 INTRODUCTION

*Richmond Christian College* seeks to encourage partnership in education with key stakeholders through open communication; with opportunities to provide feedback and constructive suggestions to the school. It is committed to working together with members of the school community to facilitate the vision and mission of the school, and provide a quality educational experience for all students.

Complaints management is a key governance tool. A proactive approach to all feedback has the capacity to:

- protect relationships within the school community;
- improve the school's services and performance;
- highlight key risks within the school; and
- enhance the decision-making capacity of the Board and Senior Executive..

The school endeavours to respond to complaints in a professional, timely and appropriate way, facilitating positive discussion and building stakeholder confidence in the school. Staff are required to be thoroughly familiar with the school's principles and practices of complaints management.

All staff must comply with the requirements of the Child Protection policy and the Staff Code of Conduct, and other school policies.

## 2 CHRISTIAN RATIONALE

The heart of the complaint handling process is the protection and nurturing of relationships between people in the school. Godly complaint management seeks the redemption of what was harmful and the restoration of fractured relationships. Even where original decisions of the school are not reversed, the process is designed to honour each person, and extend mercy, compassion and justice.

*He has shown you, O mortal, what is good. And what does the Lord require of you? To act justly and to love mercy and to walk humbly with your God. (Micah 6:8)*

The foundation of the process is to seek resolution with the first person concerned, according to Matthew 18:15-16. *"If your brother or sister sins, go and point out their fault, just between the two of you. If they listen to you, you have won them over. But if they will not listen, take one or two others along, so that every matter may be established by the testimony of two or three witnesses."*

This approach models to students, and the school community as a whole, about dealing with conflict as people of godly character, in line with the vision of the school. It stops destructive gossip or slander which undermines community; and builds a culture which is respectful, can value differences and which is open, transparent and trustworthy.

We live in a fallen world where mistakes and conflicts occur; but God can use even these occasions for good. We aim to advance the kingdom of God through working together towards *being a Christ centred learning community*, to make it a place of integrity and hope within the community.

*Be completely humble and gentle; be patient, bearing with one another in love. Make every effort to keep the unity of the Spirit through the bond of peace. Ephesians 2:4-5.*

### **3 PURPOSE OF THIS DOCUMENT**

This Framework, and associated Handbooks, sets out the policies and procedures for receiving and handling complaints from stakeholders of the school.

#### 4 TABLE OF RESPONSIBILITIES

<i>Responsibilities</i>	<i>Evidence of Compliance</i>
<b>Board</b>	
Oversight of complaints process	Complaints & investigation records
Review Complaints Register	Principal's report
Analyse trends & ensure continuous improvement	Board minutes
Investigate complaints against the Principal	Complaints & investigation records
Corporate oversight; delegation re: whistleblower recipient	Whistleblower program; reports
<b>Principal</b>	
Encourage open communication across the school	Tidings; General correspondence
Encourage environment where feedback is handled professionally	Staff PD Training Log; Information to stakeholders
Maintain effective complaints handling procedures	Complaints & investigation records
Investigation of serious complaints	Complaints & investigation records
Review of decisions (appeals)	Complaints & investigation records
Ensure appropriate and timely action following decision	Complaints & investigation records; Reports
Oversight of whistleblower program	Confidential reports/ investigations
Report to Board on complaints, trends and responses	Board reports; Annual Report
Identify issues to ensure continual improvement	Board reports; Annual Report
<b>Heads of School</b>	
Ensure complaints management process followed by staff	Complaints forms; Complaints files; Complaints Register
Facilitate investigation & resolution of complaints	Investigation Plans
Promote continuous improvement	Reports; Procedural changes
<b>Staff</b>	
Facilitate open communication	Meeting records;
Identifying & responding to complaints	Personal log
First level of resolution of complaints	Complaints file
<b>School Office</b>	
Identifying & recording complaints	Register
Direction of complaints to appropriate staff	Emails
<b>All Staff and Volunteers</b>	
Report breaches of general law, school policy, Codes of Conduct or other generally recognised principles of ethics	Confidential reports
<b>Students</b>	
Communicate concerns to staff and/ or parents	Complaints files
<b>Parents and school community</b>	
Provide feedback to school	Complaints files
<b>Whistleblowers</b>	
Follow procedures of Whistleblower program	Confidential files

## 5 DEFINITIONS

The following definitions apply for the purpose of this framework and the complaints and grievances procedures followed within the school.

**Feedback:** opinions, comments, suggestions and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about the school, its services, staff, or its handling of a complaint

**Complaint:** the school will treat a matter as a complaint where it:

- Is an expression of concern, dissatisfaction or frustration with the policies, procedures or quality of service provided by the school, or the conduct of an employee
- Is an expression of concern regarding an incident within the school, or a safety matter e.g. student issues
- Alleges misconduct, a breach of policy, or corruption on the part of an employee
- Is an expression of offence or detriment as a result of a decision of the school
- Is an expression of dissatisfaction with a decision of the school, or how the decision was made

**AND**

- that a response of some form is expected.

Complaints may be oral or written, however complaints that require further action by the school must be submitted in writing. Written complaints include those sent by letter, fax or email.

**Allegation:** a complaint alleging misconduct or corruption which may involve issues of integrity or other matters which have the potential to seriously compromise trust, and the school's professional reputation. Examples include:

- Child protection matters
- Theft or misuse of resources
- Corrupt behavior
- Behaviour which is in breach of legislative requirements or school policy, or which may otherwise be detrimental to the reputation of the school

**Grievance:** relates to an individual employee and the impact of decisions or actions within the workplace that, in relation to themselves, is considered to be unfair, inappropriate, contrary to school policy or unlawful.

It may include issues of: harassment, discrimination or bullying, etc.

**N.B.** A 'complaint' may involve an individual employee or other employees in respect to actions and decisions that are considered to be unfair, inappropriate, contrary to school policy, or unlawful.

In some instances, a personal 'grievance' may arise from the outcome of a 'complaint' procedure.

**Misconduct:** behaviour that breaches the school's Codes of Conduct, or legislation applying to the school and its employees or other stakeholders

**Harassment:** any form of ongoing behaviour that is not welcome, not asked for or returned; that offends, intimidates or humiliates a person

**Complainant:** any person making, or bringing, a complaint or allegation



**Vexatious Complainant:** unreasonably persistent; or because of the frequency or nature of the complaint, hinders consideration of their, or other people's, complaints

**Respondent:** person requested to respond to complaints made about them

**Witness:** person bringing evidence

**Stakeholder:** person or group having an interest in the performance or success of the school

**Parent:** in relation to a child, includes a guardian and every person who has parental responsibility for the child, including parental responsibility under the Commonwealth Family Law Act 1975, and any person with whom a child normally or regularly resides.

**Investigation:** the process by which a situation is examined, facts are established and verified. Evidence is gathered, such as witness statements and documentary proof, to be able to make a decision.

**Procedural Fairness:** (sometimes referred to as 'natural justice') the principles of procedural fairness guide fair and reasonable decision-making procedures when a decision may adversely affect the rights, interests or legitimate expectations of an individual.

There are two basic common law rules:

- the 'hearing rule' - the right to be heard, which includes the right to:
  - Know the case against them, including specific allegations and any other information which will be taken in to account
  - Know the way in which the issues will be determined
  - Respond to the allegations
  - Know how to seek a review of the decision in response to the allegations
- the 'bias rule' - the right to an impartial decision, which includes the right to:
  - Impartiality in the investigation and decision making phases
  - An absence of bias in the decision maker

See also: Investigations, Interviews and Meetings Handbook

**Victimise:** to act, or omit to act, towards a person in a way intended to cause disadvantage to that person because they have made a complaint, or may make a complaint; or who is, or may be, the subject of a complaint

**Whistleblower** – a person with insider knowledge of an organisation who reports misconduct or dishonest or illegal activity that may have occurred within the school

See: Complaints Framework Whistleblower Policy and Program

## 6 POLICY

### 6.1 Commitment

The school is committed to the safety and well-being of children and young people, and of staff, parents and other stakeholders.

It seeks to provide an accessible, fair and equitable complaints handling process, working together with members of the school community to facilitate the vision of the school. It values its partnership with parents, and other stakeholders, to provide a quality educational experience for all students.

- (a) The school shall be proactive in encouraging effective communication, including feedback, with all stakeholders.
- (b) The school shall ensure processes which are safe for students to make a complaint or report.
- (c) The school seeks to develop a culture of continual improvement in partnership with stakeholders.

### 6.2 General

- (a) Complaints will be addressed based on principles of the Australian Standard AS/NZ 10002-2014 Quality Management:
  - professionally, competently and in a timely manner;
  - with objectivity and fairness, so that conflict of interests do not interfere with, nor are perceived to interfere with, the management and resolution of complaints; and
  - in an equitable manner and in accord with the school's complaint management processes.
- (b) The Principal, or his or her delegate, is the complaints officer.
- (c) Intimidating, harassing, threatening or offensive behaviour will not be tolerated from any parties.
- (d) The confidentiality and privacy of all parties to a complaint shall be respected; except in matters regulated by legislative requirements. (See Privacy Policy)
- (e) No person shall be disadvantaged in any way by bringing a complaint.
- (f) Any person against whom a complaint is made shall have a fair hearing. (Investigations, Interviews & Meetings Handbook)
- (g) Complainants have the right to appeal decisions; including to external agencies.
- (h) Staff shall be trained in complaints handling.
- (i) Records of complaints shall be maintained for seven (7) years after the last action: excepting additional legislative requirements; or as deemed advisable by the school according to the nature of the complaint.
- (j) Serious complaints shall be reported to the Board.

- (k) The school shall inform the relevant regulator or agency of any complaint, or issue arising from a complaint, which it is required to report, within the designated time period.
- (l) Complaints, complaints handling and this framework, shall be reviewed on a regular basis.

### 6.3 Specific Matters

This Policy applies for all complaints except the following.

- (a) Matters relating to how the school handles reports of child abuse are set out in the Child Protection Policy.
- (b) Matters relating to allegations which may involve Criminal Law are referred to the Police.
- (c) Staff grievances are handled according to processes set out in the Complaints Framework: Staff Grievances.
- (d) Matters which involve a whistleblower disclosure are addressed in the Complaints Framework: Whistleblower Policy, including the Whistleblower Program.
- (e) Matters involving the performance and discipline of employees are managed by processes set out in the Employment Policy and Continued Professional Development Policy.
- (f) Complaints about the Board may also involve provisions of the Corporations Act, or ASIC Guidelines; or other relevant legislation, or school policies.
- (g) Matters involving decisions for which there is an established or formal right of review under other industrial and legal instruments shall be referred to the relevant regulator.

## 7 COMPLAINTS FRAMEWORK

### 7.1 Scope of the Complaints Framework

- 1 Complaints Management (this document)
  - 2 Staff Grievances
  - 3 Whistleblower Policy
- Complaints Procedures Handbook  
Investigations, Interviews & Meetings Handbook

### 7.2 Aims

The aims of the school's approach to complaint management are to:

- (a) Strengthen the quality of its educational service through its response to stakeholders' feedback or complaints.
- (b) Seek reconciliation of relationships in the resolution of the complaint.
- (c) Provide for the rights and responsibilities of all parties, which must be protected and balanced within statutory requirements.
- (d) Achieve an outcome acceptable to all parties; but the school recognizes that this is not always possible.

### 7.3 Good Conduct

The school expects that all parties to a concern or complaint will:

- Act in good faith, seeking to achieve an amicable solution;
- Display a calm & courteous manner;
- Demonstrate respect and understanding of the other's point of view; and
- Value differences, rather than judge or blame.

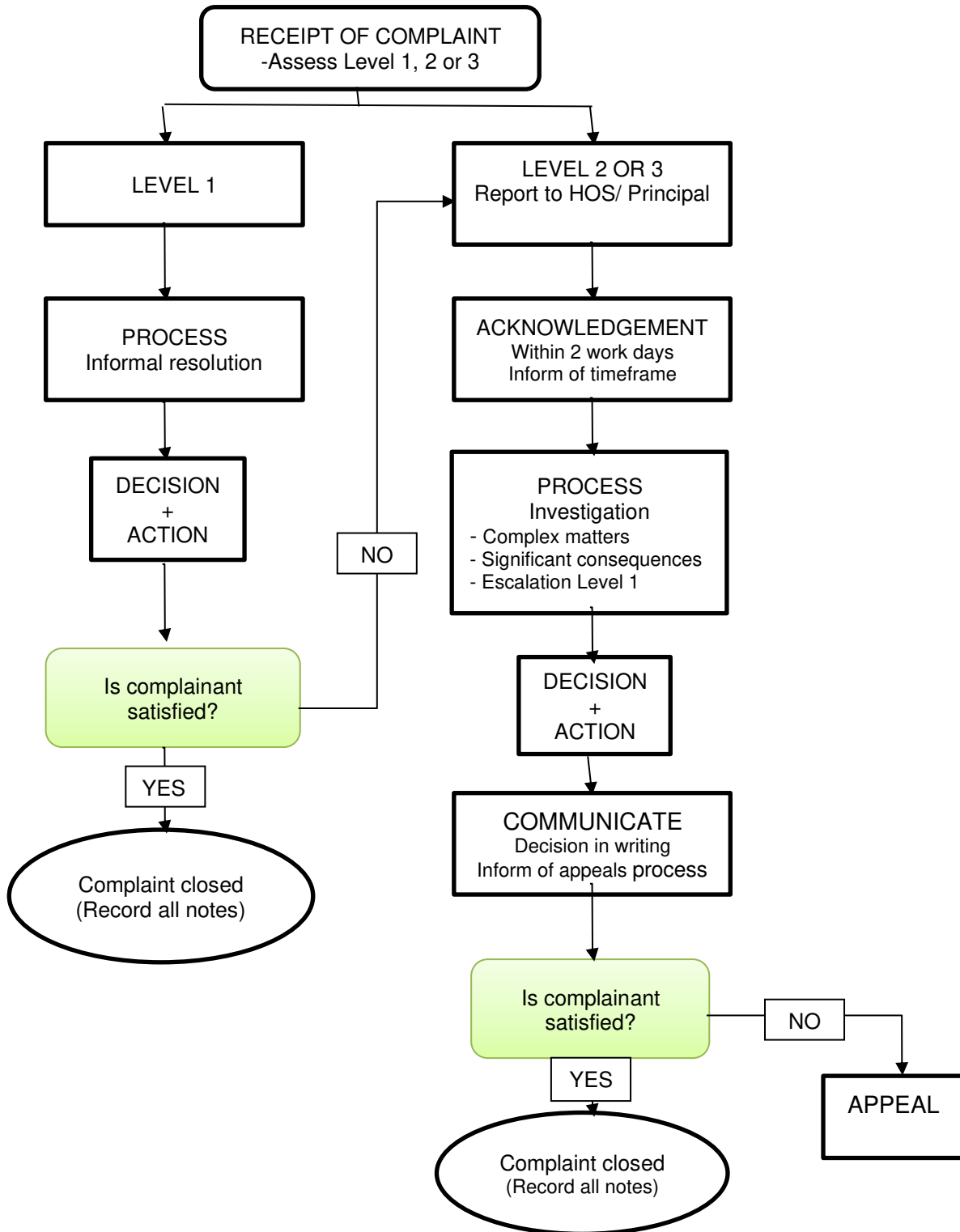
### 7.4 Principles of Complaints Process

- (a) **The safety and well-being of children and young people** – see also: Child Protection Framework
  - Any immediate action is taken to protect a child from harm; and a risk assessment carried out to assist the school in planning for the child's support, safety and well-being.
  - The school fosters a culture where children feel safe to report.
  - The processes, outcomes and relevant options for a complaint shall be explained to the child; including support for a difficult outcome.
  - Staff are trained to receive a disclosure from a child.
  - Students are given opportunities appropriate to their age, to give both formal and informal feedback.

- (b) **Objectivity** – complaints shall be addressed in an equitable and unbiased manner
- Conflicts of interest shall be declared, and avoided or mitigated.
  - When an investigation is necessary, principles of procedural fairness shall be followed. (Investigations, Interviews & Meetings Handbook)
  - Every reasonable effort shall be made to investigate relevant circumstances or information.
  - Decisions shall be made on evidence collected.
  - An appeal process shall be available and communicated to parties.
- (c) **Confidentiality** – information is restricted on a ‘need to know’ basis
- Identities of persons involved is made available only to those directly involved in the complaint process.
  - Disclosure of information to another party shall only be made with permission; or as required by legislation.
  - Information is securely stored.
- (d) **Communication with Stakeholders**
- The school shall make the complaints process accessible to stakeholders through its website and School Office; and to students through class and homeroom teachers, including NESA provisions for RoSA and HSC students.
  - Complainants shall be notified of the process to be followed by the school in dealing with their complaint, and the expected timeframe for resolution.
  - The Respondent shall be notified of the basis of the complaint or allegation for them to respond and gather supporting evidence, if required.
  - All parties to the complaint shall be informed of the finding of the investigation, and the decision and/ or any action that the school will take in response.
- (e) **Complaint Tracking** – even informal/ less serious complaints
- Staff shall note or log complaints to ensure completion.
  - The progress (status) of serious complaints shall be monitored by Heads of School, to ensure the completion of the process and the satisfaction of a complainant. This shall be communicated to the Principal.
  - Complaints shall be reviewed periodically to identify systemic issues and ensure best practice in complaint handling.
- (f) **Reporting**
- The Principal shall report to the Board monthly with respect to the status of existing complaints by: key stakeholders; trends or systemic issues; and corrective actions that have been put in place.

- The school will report in general to stakeholders of the effectiveness of its complaints procedures, and improvements which have been made as a result.
- The Annual Report shall include data in the following categories, which may include changes made in response to complaints: priority areas for improvement; actions to promote respect; parent, student and staff satisfaction.
- Reporting to other agencies based on findings of the complaint process is made as set down by regulators.

8 SUMMARY OF COMPLAINTS HANDLING PROCESSES



Records: Informal notes; Communications/ emails; Meeting notes; Student database notes; Complaints files; Complaints Registers

## 8.1 Timeframes

Response shall be proportional to the level of complaint.

Timeframe for Complaints Process			
STEP	SUMMARY	TIMEFRAME -within school term	RESPONSIBILITY
Receipt & Acknowledgement	Acknowledge receipt of complaint Log complaint in notes/ school system	Close of next work day	Staff member HOS
Assessment	Assess complaint – severity, safety, impact, complexity, need for immediate action Refer if necessary		Staff member HOS
Investigation	Develop investigation Plan Review all information; interviews; evidence Ongoing communication with all parties (Notification if > 20 work days to resolve)	Proportional to Level of Complaint; Within 10 work days	Staff member HOS Investigator
Resolution & Response	Response to complainant Monitor progress till complainant satisfied or all avenues exhausted; Close complaint; ensure all records filed	By close of work day following decision	HOS
Action	Agreed remedy	As soon as practicable	As relevant
Total Timeframe	From Complaint to Resolution	Proportional to Level of Complaint; Within 7 weeks	
Appeal	Written request for appeal	Within 10 work days of notification of decision	Either party
Decision	Result of appeal following investigation	Within 10 work days of request	Principal
Continual Improvement	Identify improvements Analyse to ID systematic, recurring, single incidents & trends to eliminate causes	As required Monthly review	Senior Executive
Reporting & Evaluation	Complaints files; Complaints Register/s Report to Board Annual Report	As required; Updated throughout Monthly March	HOS Principal



## 9 MAKING COMPLAINTS

### 9.1 How to Make a Complaint

- (a) Matters should be raised as soon as possible after an issue occurs.
- (b) Complaints may be made in person or on the phone; or in writing by letter or electronically. (Information made available on the school website)
- (c) Complainants are advised to address their concern with the person with whom they have a disagreement, according to the principle set out in Matthew 18:15. The school recognizes that this is not always preferred or advisable.
- (d) Students should speak directly to their teacher in the first instance, of any complaint about school work, assessments (Secondary Assessment Policy) or issues with other students. If preferred, they can speak to the Head of School or School Counsellor, or another trusted staff member. Students are encouraged to discuss any concerns with their parents also.
- (e) Staff complaints are handled according to procedures set out in Complaints Framework: Staff Grievances.

### 9.2 Directing Complaints

- (a) Complaints shall generally be referred to the person most directly concerned in the matter. (Level 1)
- (b) More complicated matters (Level 2 or 3) may be reported to the Head of School, or other appropriate staff member for resolution; or may be referred by a staff member.
- (c) If the issue cannot be resolved to their satisfaction, the complainant may refer the matter to a more senior staff member.

**Table: Who to Speak to**

Issues Concerning:	Level One	Level Two	Level Three	Appeal
Education	Class/ homeroom teacher	Head of School	Principal	Principal / Board
Student welfare or discipline	Class/ homeroom teacher	Head of School	Principal	Principal / Board
Incidents/ WHS	Class/ homeroom teacher School Office Principal's Assistant	Head of School	Principal	Principal / Board
General school business/ service	School Office or Principal's Assistant	Principal	Principal	Principal / Board

Staff	Staff member	Head of School or Principal	Principal	Principal / Board
Principal	Principal	School Board Chair	Board Chair	Board
Employment	Finance Officer (pay/awards); or Principal (duties)	Principal	Principal	Principal / Board
Accounts; fees	Finance Officer	Principal	Principal	Principal / Board

### 9.3 Anonymous Complaints

Anonymous complaints will be considered by the Principal according to: the nature and seriousness of the complaint; whether there is sufficient information for the matter to be addressed; or whether there is a statutory requirement for investigation.

### 9.4 Withdrawal of Complaint

- (a) A complaint may be withdrawn without any adverse action or decision.
- (b) The school may continue to address any issue which adversely impacts the school, its functioning, facilities or reputation, or the safety of any person, with or without the active involvement of the complainant.

## 10 COMPLAINT HANDLING PROCESS

See: Complaints Procedures Handbook; Investigations, Interviews & Meetings Handbook

### 10.1 First Steps

- (a) **Hear and understand:** The person receiving the complaint will listen, and may ask further questions, to make sure they understand the matter.
- The staff member shall make notes at the time, or soon after, to ensure the complaint is recorded.
  - If the person making the complaint requires assistance to communicate their concern, the staff member shall offer support. (See Section 10.3)
  - All student concerns shall be taken seriously; and assistance given as required.
- (b) **Respond:** The person receiving the complaint acknowledges receipt of the complaint, their understanding of the complainant's concern and shall discuss how they can help.
- They shall explain the likely process to resolve the matter.
  - More serious concerns shall be acknowledged in writing.
- (c) **Informal resolution:** Simple (level 1) complaints: the person receiving the complaint may be able to resolve the matter at the time of speaking.
- (d) **Outline the Process:** In more complicated matters (level 2 or 3) the person receiving the complaint shall inform the complainant of the process and likely timeframe for their complaint to be resolved.

### 10.2 Explanation of Levels of Complaints

	Description
	Simple, minor matters Generally dealt with at point of contact – informal resolution
	Unable to be resolved at point of contact and/ or require consultation Escalated issues More serious matters or potential consequences Legislative implications or potential e.g. WHS, anti-discrimination acts, Privacy May require investigation
	Escalated complaint without resolution Repeated complaints Major legislative implication e.g. anti-discrimination acts; WHS; Education Act; Privacy; crime Requires significant investigation Requires involvement of Principal Principal reports to Board May require external agency referral, investigation or review

May require legal advice/ action
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### 10.3 Support

If requested, the school shall make support available to the person making the complaint and the person against whom the complaint is made.

- (a) Appropriate assistance shall be sought for a complainant, as required e.g. an interpreter service.
- (b) Students under the age of 18 who are involved in a complaint, or called as witnesses in significant matters, shall be encouraged to have an adult support person, such as a parent, teacher, the School Counsellor or other significant person. (See: Investigations, Interviews and Meetings Handbook - Interviewing Children procedure)
- (c) Both parties are entitled to a support person at any meeting they attend.
- (d) The support person at a meeting:
  - is invited to observe, but not interrupt, the meeting
  - may not contribute to the discussion, nor answer questions on behalf of the person they accompany
  - must maintain confidentiality about all matters discussed at the meeting
- (e) Staff handling complaints are supported by their immediate Head of School. They will receive advice and training in handling difficult matters or dealing with unreasonable conduct. Staff will be offered support and appropriate follow up of distressful events.
- (f) The school counsellor is available to all stakeholders for pastoral care.

### 10.4 Following a Complaint

The school shall make every effort to respond to complaints.

- (a) The school shall decide how the complaint is best addressed to ensure consistency and fairness, depending on level of complaint.
  - Informal resolution – handled between the parties involved
  - Negotiation – seek to reach resolution with the help of a third party
  - Investigation – a more formal examination of the event
- (b) Full details are collected as far as possible. This may include, as relevant: the initial complaint; statements from any witnesses; and any evidence, including material evidence.
- (c) If a complaint is made about a third person (the respondent), the school shall inform them of the details of the complaint made against them. They shall have enough time to consider the matter and reply. (Unless constrained by other regulations e.g. child protection)

### 10.5 Evidence

- (a) No decision shall be made by the school without consideration of the available evidence.

- (b) Evidence may include: statements from the complainant, the respondent, or witnesses; material or other evidence; other professional advice.
- (c) Copies or photos of evidence supplied to an investigation shall be maintained with the record of the complaint.

### 10.6 Steps of a Formal Investigation

See: Investigations, Interviews and Meetings Handbook

- (a) A risk assessment shall be completed to ensure no harm or further harm to any person involved in the matter.
- (b) An Investigation Plan shall be developed to ensure procedural fairness.
- (c) The complainant is interviewed; and details of the complaint or allegation are recorded in writing.
- (d) The allegation is conveyed to the respondent (subject of the complaint) in full.
- (e) The respondent is given time to reply and present their information.
- (f) Further information may be obtained from witnesses or other relevant evidence.
- (g) A finding shall be made as to whether the complaint has substance.
- (h) A report shall document: the investigation process; evidence relied on in making a decision; the finding of the investigation; and recommendations of the investigator.
- (i) A decision shall be made by a person other than the investigator
- (j) The decision shall be communicated to both the complainant and respondent, and any other appropriate stakeholders

### 10.7 Findings of an Investigation

After the investigation into a complaint, one of the following decisions may be made.

- (a) The complaint is **upheld**

A complaint is said to be substantiated if the person investigating it believes that on the balance of probabilities the allegation did occur.

Appropriate redress shall be discussed when a complaint is determined to be upheld.
- (b) The complaint is **dismissed**
  - The complainant shall be informed when a complaint is dismissed, and the reasons for its dismissal.

A complaint will be dismissed:

  - Only after appropriate consideration or investigation

- If the investigation has determined that the complaint cannot be substantiated or upheld e.g. the evidence is insufficient on the balance of probabilities to make a determination

(c) The complaint is **unresolved**

A complaint is considered unresolved when:

- The complainant does not agree; or the remedy cannot be implemented
- Complex issues are involved which cannot be resolved at the school level
- The complainant is unable to be satisfied due to unrealistic expectations about the outcome
- All resources have been pursued, and the complainant is still dissatisfied with how the complaint has been handled

(d) The complaint is **vexatious**

The Principal may assess a complaint as being vexatious, or the action of an habitual complainant, or which requires unnecessary diversion of school resources.

The school shall give a written response advising its decision not to review or further investigate the complaint, giving reasons for the decision.

The letter shall advise the complainant of their right to appeal this decision of the school, and the requirement that they set out their reasons why the complaint has merit and should be investigated or re-investigated

Examples include situations where:

- Previous due process has been followed in dealing with the complaint
- The complaints process has been exhausted, and no new meaningful information has been supplied
- The complainant consistently makes changes to the substance of the complaint or brings new issues to prolong the resolution of the complaint
- The complaint lacks substance or focusses on trivial matters out of proportion to the demand of the complainant
- The complainant repeatedly does not clearly identify issues, despite reasonable efforts by the school to identify them
- The complainant refuses to cooperate with the complaints investigation process while still insisting the complaint to be resolved

## 11 CLOSE OF A COMPLAINT

A complaint is considered resolved when the complainant and school agree on an appropriate response or remedy.

### 11.1 Action Following a Complaint

Remedies or action will be implemented as soon as practicable; and parties shall be informed of the action to be taken.

- (a) Where a complaint is upheld, suitable action may include:
- Personal response E.g. Explanation; Apology; An agreement
  - School response E.g. Change of original decision; Dissemination of information; Further training of staff/ students; Disciplinary action
  - System improvement E.g. Review of policy or procedure; Change of school processes
- (b) If a complaint is not upheld or not substantiated but some issue comes out of the investigation that is required to be addressed, the school shall initiate suitable action.
- (c) Where a 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:
- Letter from the school to the complainant
  - Apology from the complainant
  - Recommendation of counselling (if staff member)
  - Disciplinary action

## 12 APPEAL OF DECISIONS

- (a) Either party to a complaint may request a review of proceedings where negotiations have been unsuccessful; but not if the matter has been resolved by agreement of the parties.
- (b) Either party to a complaint may appeal the decision of the school on the grounds of:
- Incorrect use of the complaint management procedure to the detriment of the party; and/ or
  - An outcome or decision which is unreasonable; inconsistent; made without obvious relationship to the facts or circumstances; or is irrational.
- (c) The request for a review must be lodged within 10 working days of the advice of the decision; and must include the grounds for the appeal.
- (d) The Principal will review the investigation and decide whether the procedures have been followed and the decision reasonably determined.
- The review shall include:
- All the relevant material
  - Further inquiries if necessary
  - Meeting with the parties, including a support person, if required
- (e) The Principal shall decide whether or not the original decision will be put on hold until the review is completed.
- (f) A determination shall be made, if possible, within 15 working days within a school term; or the party shall be notified of a delay.
- (g) Parties shall be advised in writing of the decision, and the reasons.
- (h) Further action shall be determined as necessary, depending on the decision.
- (i) This process does not limit the right of any party to use other available agencies and processes, such as the Privacy Commissioner, the NSW Ombudsman or legal processes.



### 13 UNREASONABLE CONDUCT

The complaint process may be severely hindered, or even dismissed, by conduct deemed unreasonable on the part of the complainant; or where the person remains dissatisfied after the complaint procedure has been properly implemented and fully exhausted, up to the process of appeal.

- (a) Unreasonable conduct includes conduct which:
- Is clearly and significantly outside the expectations of confidentiality, cooperation, courtesy and respect
  - Places unreasonable demands on staff resources or time beyond the nature or significance of the complaint
  - Is vexatious (see Definitions)
  - Is orientated towards conflict, abuse or bullying; conduct which is rude, angry, harassing, aggressive to staff or others
- (b) The school may respond to such behaviour by:
- Advising staff to suspend the conversation
  - Directing all communication or meetings to a senior staff member
  - Requesting all further communication on the subject be in writing only
  - Reviewing and filing all further correspondence; only acknowledging or responding if there is significant new information; or new issues which warrant fresh action
  - Writing to the person, advising that the behaviour, or continued request, is unreasonable

## 14 RECORDS

Notes should be recorded as soon as practicable in the appropriate files.

- (a) Staff shall maintain records appropriate to the Level of complaint, including:
- the description of the complaint;
  - supporting documents/ evidence;
  - notes of informal discussions;
  - immediate action taken; and
  - outcomes/ response.
- (b) Staff shall enter notes and supporting evidence on the school Google Drive or the database.
- The Principal and Heads of School record Level 2/ 3 complaints in a Complaints Register on Google Drive.
- (c) Documentation relating to the investigation of a complaint, and/or review of a decision, will be kept in a secure file. These records shall be kept for seven (7) years after the date of last action; or as required by legislation; or as determined advisable by the school.
- (d) Records relevant to child safety and well-being will only be disposed of in accordance with law or the school's policy.
- (e) Records are reviewed to identify trends and issues in order to identify key risk areas and to address any underlying or emerging problems.
- (f) An individual has the right to access, amend or annotate records the school holds about themselves, with respect for the privacy of other individuals who may be involved. (See Privacy Policy)

## 15 COMPLAINT OF MISCONDUCT AGAINST A STAFF MEMBER

The safety and welfare of students is the school's priority.

All complaints or allegations of staff misconduct or 'reportable conduct' are taken seriously; with due process and prompt action to ensure outcomes with integrity.

**'Reportable conduct'** is:

- any sexual offence or sexual misconduct involving a child
- any assault, ill-treatment or neglect of a child
- any behaviour causing psychological harm to a child

It excludes conduct reasonable for the purposes of discipline, management, care or safety of a child – as relevant to the age, maturity, health or other characteristics of the child

### 15.1 The School's Action Following a Complaint or Allegation Against a Staff Member

The Principal shall ensure that the complaint is handled with respect, sensitivity and confidentiality of information to protect the child, their family and the staff member.

The complainant is asked to maintain confidentiality also.

1. The Principal has a duty to report a complaint or allegation of misconduct or reportable conduct against a staff member to one or more of the following agencies:
  - The Police – if criminal activity may have occurred
  - NSW Ombudsman – all matters of reportable conduct or misconduct involving staff; monitors school investigations
  - NSW Office of the Children's Guardian – monitors the suitability of people for child-related employment (Working With Children Check)
  - NSW Education Standards Authority (NESA) – monitors teacher accreditation, including Working With Children Check
2. The Principal shall authorise an internal investigation into the complaint or allegation, unless legally prevented because of the investigation by another agency.

The school investigation will be conducted according to:

  - the procedures of its Child Protection Policy; or
  - its investigation procedures, which are conducted according to procedural fairness.
3. The authorized investigator shall:
  - Explain the process and the expected timeframe

- Conduct a risk assessment to determine action to minimise the likelihood of further harm to the child, and other students, within the school environment. This may include:
  - Removing the staff member who is the subject of the complaint or allegation from duty, following advice from the relevant agency, pending the result of an investigation
  - Removing the staff member who is the subject of the complaint or allegation from face-to-face contact with the student, or some other re-structuring, pending the result of an investigation
  - Arranging appropriate support for the child within the school
  
- Retain records of all information, actions taken, advice from external agencies, communications sent and received, files relating to investigations, findings and notifications relevant to the matter.