

## COMPLAINTS POLICY & PROCEDURES

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	27 February 2018	Minor updates July 2019	Approved at Board meeting 27 October 2020	Approved at Board meeting 21 February 2023	Approved by Board flying minute 18 Nov 2024
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### 1. PURPOSE

The purpose of this policy is to ensure that student, parent/guardian, staff and community complaints are dealt with in a responsive, efficient, and effective manner.

### 2. POLICY STATEMENT

Nambour Christian College is committed to ensuring that student, parent/guardian, staff and community complaints are dealt with in a responsive, efficient way utilising the principles of procedural fairness.

Nambour Christian College views complaints as part of an important feedback and accountability process.

Nambour Christian College acknowledges the right of students, parents/guardians, staff and the community to complain when dissatisfied with an action, inaction or decision of the College and the College encourages constructive criticism and complaints.

Nambour Christian College recognises that time spent on handling complaints can be an investment in better service to students, parents/guardians, and staff.

### 3. COMPLAINTS THAT MAY BE RESOLVED UNDER THIS POLICY

Nambour Christian College encourages anyone who feels impacted by an issue involving the College to file a complaint. Complaints can address matters such as:

- 3.1 The College, its staff or students having done something wrong.
- 3.2 The College, its staff or students having failed to do something they should have done.
- 3.3 The College, its staff or students having acted unfairly or impolitely.
- 3.4 Issues of student or staff behaviour that are contrary to the relevant behaviour management policy or code of conduct, including inappropriate staff conduct as reported by a student.
- 3.5 Issues related to learning programs, assessment and reporting of student learning.
- 3.6 Issues related to communication with students or parents/guardians or between staff.
- 3.7 Issues related to College fees and payments.
- 3.8 General administrative issues.

3.9 Issues relating to non-compliance with a process outlined in College policies or procedures, for example the child protection policy, discrimination policy, or privacy policy.<sup>1</sup>

#### 4. ISSUES OUTSIDE THIS POLICY

The following matters are outside the scope of this policy and should be managed as follows:

- 4.1 Child protection concerns including allegations of sexual abuse, likely sexual abuse or harm to children should be dealt in accordance with the College's Child Protection Policy.
- 4.2 Student bullying complaints should be dealt with under the NCC Student Bullying Policy.
- 4.3 Student discipline matters, including matters involving suspension or expulsion, should be dealt with under the NCC Responsible Thinking Process – Secondary or the NCC Responsible Behaviour Framework – Junior.
- 4.4 Student or staff violence or criminal matters should be directed to the Executive Principal who will involve the Police as appropriate.
- 4.5 Disputes between board members, should be dealt with in accordance with the Nambour Christian College Education Group Constitution.
- 4.6 Formal legal proceedings should be managed as appropriate in the circumstances.
- 4.7 Complaints relating to the education and training services provided by the College to an overseas student should be dealt with in accordance with the *Education Services for Overseas Students Act 2000* (Cth) and National Code and the College's International Student's Complaints and Appeals Policy.

#### 5. OVERVIEW

There will be times when members of the Nambour Christian College community (staff, students, parents/guardians) will wish to question, by way of an informal or formal complaint, behaviours of persons or decisions made within the context of the provision of educational services.

The College acknowledges the right of parents/guardians (personally or on behalf of students) and staff to seek remedy for concerns and problems they consider have arisen out of College management, behaviour, issues, conduct or decisions which cause them to be aggrieved.

Such a complaint may be raised at any time, but usually will occur after informal efforts have been made to address the issues of concern. Indeed, most complaints will be able to be remedied informally, through communication with staff, including curricular and pastoral co-ordinators and College leadership. Appointments can always be made with the College to discuss issues.

As appropriate, students are also given the opportunity to personally account for their own behaviours which have been reported or caused concern to others. This is done through a face-to-face discussion process where the student is requested to meet with a relevant senior staff member to discuss issues and outcomes.

Parents/guardians are not automatically notified of the request for interview with the student (however the student is free to inform them). The process is designed to gain testimony and evidence.

Procedural fairness and confidentiality will be stressed to all who provide information.

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<sup>1</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5)

## 6. RESPONSIBILITIES

### 6.1 College

The College has the following role and responsibilities:

- 6.1.1 Develop, implement, promote, and act in accordance with the College's Complaints Policy and Procedures.
- 6.1.2 Appropriately communicate the College's Complaints Policy and Procedures to students, parents/guardians, and staff
- 6.1.3 Ensure that the College's Complaints Policy and Procedures is readily accessible by staff, students, and parents/guardians
- 6.1.4 Upon receipt of a complaint, manage the complaint in accordance with the College's Complaints Policy and Procedures.
- 6.1.5 Ensure that appropriate support is provided to all parties to a complaint.
- 6.1.6 Take appropriate action to attempt to prevent victimisation or action in reprisal against the complainant, respondent or any person associated with them
- 6.1.7 Appropriately implement remedies
- 6.1.8 Appropriately train relevant staff.
- 6.1.9 Keep records
- 6.1.10 Conduct a review/audit of the Complaints Register from time to time.
- 6.1.11 Monitor and report to the governing body on complaints
- 6.1.12 Report to the College's insurer when that is relevant
- 6.1.13 Refer to the College's governing body as soon as practicable any claim for legal redress.

### 6.2 All Parties to a Dispute

The complainant and respondent both have the following role and responsibilities:

- 6.2.1 Apply and comply with the College's Complaints Policy and Procedures.
- 6.2.2 Lodge the complaint as soon as possible after the issue arises
- 6.2.3 Expect that the complaint will be dealt with fairly and objectively; in a timely manner; with procedural fairness; that confidentiality will be maintained as much as possible; that privacy will be respected
- 6.2.4 Provide complete and factual information in a timely manner
- 6.2.5 Not provide deliberately false or misleading information
- 6.2.6 Not make frivolous or vexatious complaints
- 6.2.7 Act in good faith, and in a calm and courteous manner
- 6.2.8 Act in a non-threatening manner
- 6.2.9 To be appropriately supported
- 6.2.10 Acknowledge that a common goal is to achieve an outcome acceptable to all parties
- 6.2.11 Recognise that all parties have rights and responsibilities which must be balanced
- 6.2.12 Maintain and respect the privacy and confidentiality of all parties
- 6.2.13 Not victimise or act in reprisal against any party to the dispute or any person associated with them.

### 6.3 Staff Receiving Complaints

Staff receiving complaints have responsibilities to:

- 6.3.1 Act in accordance with the College's Complaints Policy and Procedures
- 6.3.2 Refer the matter to their Line Manager or a member of the Leadership Team
- 6.3.3 Maintain confidentiality
- 6.3.4 Keep records, if appropriate
- 6.3.5 Not act in reprisal against the complainant, respondent or any person associated with them.

## 7. IMPLEMENTATION OF THIS POLICY

Nambour Christian College is committed to raising awareness of the process for resolving complaints at the College, including by the development and implementation of this policy and related procedures, and via the clear support and promotion of the policy.

Nambour Christian College is also committed to appropriately training relevant staff (especially senior staff) on how to attempt to resolve complaints in line with this policy and the related procedures. A restorative approach to the resolution of conflict is our preferred methodology.

Nambour Christian College will keep appropriate records of complaints, will monitor complaints and their resolution and will report on a high-level basis to the College Board on complaint handling at the College.

## PROCEDURES

### 8. GUIDING PRINCIPLES

- 8.1 It is expected that each person who is involved in the implementation of these procedures will uphold the Nambour Christian College values of kindness, justice, mercy and humility and comply with the law, to:
  - 8.1.2 Value the dignity and respect of the individual.
  - 8.1.3 Refrain from any behaviours that impinge negatively upon a person's dignity and rights, morale, and work effectiveness.
  - 8.1.4 Contribute to quality of life through respect and tolerance.
  - 8.1.5 Engender fairness and respect in relationships.
- 8.2 Where possible, a concern, issue, problem or conflict, is best dealt with directly between the people involved, before it escalates to the stage of making a formal complaint. Early action is essential in dealing with such matters to provide the best opportunity for resolution.
- 8.3 It is encouraged that the parties seek to resolve issues in a timely manner informally, personally and with the attitude of goodwill and commitment to maintaining a safe, harmonious and forgiving workplace. Parties are encouraged to work cooperatively using a problem-solving approach to reach a mutually agreed outcome.
- 8.4 The College will endeavour to handle all complaints, (formal or informal), in a prompt manner.
- 8.5 The principles of procedural fairness will apply to decisions made under this policy. The fundamental principles of procedural fairness are:
  - 8.5.1 Those making a decision are not biased and do not have the perception of bias, and

- 8.5.2 Any person who has a complaint against them must be given the opportunity to be heard in response to the specifics of the complaint and to put their side of the matter prior to a decision being made, with this principle incorporating the requirement that decisions must be based on rational and logically probative evidence.
- 8.6 A complaint must be treated with the utmost confidentiality. This does not affect the complainant's right to seek external assistance at any time. It is important when handling a complaint that confidentiality of all parties concerned is respected. Information will be shared only on a 'need-to-know' basis and as necessary to comply with the requirements of this policy or as required by law or as required for the proper management of the College. Information will be regarded as confidential if:
  - 8.6.1 Information has the 'necessary quality of confidence' in that any unauthorised use would be detrimental to a party, and
  - 8.6.2 It was shared or confided under circumstances where there was a special need for trust e.g. between the Complaints / Liaison Officer and the complainant, between the Executive Principal and the alleged offender, between Executive Principal and College Leadership.

## **9. STUDENT COMPLAINTS**

Student complaints may be brought by students or by parents/guardians on behalf of their children, as appropriate in the circumstances.

Students over 18 years of age may bring complaints on their own behalf. This policy is to be read in conjunction with other policies directed to the wellbeing of the College i.e.:

- 9.1 Child Protection Policy
- 9.2 Unprofessional Behaviour Policy
- 9.3 Privacy Policy

## **10. INFORMAL COMPLAINTS**

Low level, informal complaints can be made verbally or in writing (email) to the staff member concerned. If the matter is about a student or about the College in general, then the informal complaint can be received by any staff member who will then refer it to the right person for consideration.

10.1 How discussions over an informal complaint should be handled.

Parties involved should consider the following in working towards a resolution:

- 10.1.1 Discuss the matter confidentially – don't involve other people.
- 10.1.2 Use clear and effective communication.
- 10.1.3 Stick to the issue
- 10.1.4 Give examples of the actions that have caused conflict or concern.
- 10.1.5 Explain the effect of the issue
- 10.1.6 Hear the other person's response and opinion on the issue
- 10.1.7 Being willing to acknowledge fault and be willing to forgive
- 10.1.8 State what is needed.
- 10.1.9 Be open to a new/alternative solution and be willing to move to a satisfactory compromise and reconciliation.

## **11. FORMAL COMPLAINTS**

Should the complainant make a formal complaint, it is to be in writing using the Formal Complaints form (see Annexure A) provided for them by the College and sent to the Executive Principal or delegate.

The Executive Principal / delegate will decide how best to manage the complaint including as to whether the complaint can be dealt with at an informal level.

These steps may include where deemed appropriate:

- 11.1 Handling the complaint under a specific College policy if applicable.
- 11.2 The Executive Principal or delegate meeting with the complainant.
- 11.3 Facilitating a mediation (both parties must be willing and comfortable).
- 11.4 Engaging an external person to investigate the complaint and to provide a report and findings.
- 11.5 Directing the respondent not to attend the College premises or College events where there is an unacceptable risk.

Another member of staff may be delegated to act as a Complaints / Liaison Officer and will be available to assist the complainant to particularise the complaint issues so that the respondent will have a clear and detailed picture as to what the allegations are to allow for a meaningful response.

Relevant documentation as deemed necessary by the Executive Principal or their delegate, will be provided to the respondent, as appropriate, and as soon as is reasonably practicable.

## **12. FORMAL COMPLAINT AGAINST THE EXECUTIVE PRINCIPAL**

If a formal complaint is made about the Executive Principal, the Board Chair assumes the role of the Executive Principal described in these procedures.

## **13. DEALING WITH A STAFF MEMBER WHO IS THE SUBJECT OF A FORMAL COMPLAINT**

In line with procedural fairness, the Executive Principal / delegate will endeavour to adopt the following processes, although at the election of the Executive Principal / delegate there are circumstances where it may not be practicable to convene face-to-face meetings and/or where it may be appropriate for all communication between the Executive Principal / delegate and one or more parties to be in writing

- 13.1 Schedule a meeting with the staff member (and support person) promptly to inform him/her of the complaint and provide details orally (of the nature of the issues) as they are known at the time.
- 13.2 Provide an overview of the process and timelines.
- 13.3 The Executive Principal or delegate during the first meeting will inform the staff member that a complaint has been made against him/her if they are not already aware of the issue. It is an 'information' meeting predominantly.
- 13.4 The Executive Principal / delegate may invite the staff member to respond then and there, if he/she wishes to talk about the situation, and:
  - 13.4.1 Inform the staff member that he/she will be given the opportunity and time to respond fully to the allegations as part of the investigation during a further meeting/interview, and in writing after they are received in a particularised form – including the time to do so.
- 13.5 The staff member may or may not choose to make any response at the time of the meeting.
- 13.6 The staff member may choose not to provide any explanation or response regarding the allegations, either verbally or in writing.

- 13.7 If no response is made, then the Executive Principal or delegate will decide if an investigation proceeds with the information that is available to it by other witnesses. The lack of response from the staff member must not unnecessarily delay the progress of the investigation.
- 13.8 If the choice is to make a written response, then it must be received by the date given by the Executive Principal or delegate.

#### **14. INFORMATION PROVIDED TO THE PARTIES**

The Executive Principal / delegate will inform both complainant and respondent of the management plan decided upon to address the Complaint, then usually follows these steps:

- 14.1 Interviewing witnesses (including those nominated by the complainant and the respondent)
- 14.2 Assessing evidence
- 14.3 Findings

Both parties are encouraged to have support persons of their choice at all stages of the Investigation proceedings.

#### **15. MEDIATION**

If mediation is to take place, an agreed mediator will be engaged.

- 15.1 The mediation will take place – with support persons (support persons, including Union Representatives, do not have a speaking role).
- 15.2 Both parties will be required to commit to supporting, in good faith, any outcome arrived at, and sign what was agreed upon.
- 15.3 The matter will thereafter be monitored at set intervals.

#### **16. INVESTIGATION**

If an investigation takes place the following procedures may be adopted:

- 16.1 An outside investigator may be engaged as Complaints Investigator.
- 16.2 The investigator will attend the College to interview both parties and other witnesses.
- 16.3 The investigator will liaise with the College and witnesses through the Complaints / Liaison Officer (as delegated by the Executive Principal).
- 16.4 All interviewees will be requested to sign a Confidentiality Protocol (see Annexure B).
- 16.5 In the College investigation, names of witnesses and their statements will not be shared with the parties – only to the Executive Principal and Complaints / Liaison Officer.
- 16.6 The investigator (whether internal or external) will provide a report of the investigation and findings (e.g. whether or not any of the allegations in the complaint have been substantiated) to the Executive Principal.
- 16.7 The Parties have no right to view or receive a copy of the investigation report. The parties may receive feedback derived from the report by the Executive Principal or their delegate (at the discretion of the Executive Principal or delegate, as the nature of the case may permit).
- 16.8 The report may be legally privileged.

#### **17. CONSEQUENCES AND OUTCOMES OF A FORMAL COMPLAINT**

- 17.1 The Executive Principal, at his/her discretion, will decide on the most appropriate outcomes/consequences.
- 17.2 The Executive Principal may meet with each party to inform them of the outcomes decided.

17.3 They will also be informed in writing that the complaint has been investigated and dealt with accordingly.

17.4 The Executive Principal will put in place any outcomes resulting from the decision. These may include disciplinary outcomes for Staff and Students, including:

For Students	For Staff
Apology	Apology
Counselling	Counselling
Suspension	Demotion from position of responsibility
Expulsion	Formal Warning on File
	Show Cause
	Mediation
	Termination

17.5 Subject to compliance with this policy, disciplinary outcomes may apply to anyone who brings a complaint which is determined to be vexatious or without any basis.

17.6 Anonymous complaints will be addressed to the extent reasonably practical, noting the principles of procedural fairness.

## **18. COLLEGE INITIATED INVESTIGATION**

There may be times when a complainant feels unable to or does not want to initiate or continue with any formal process or investigation or to bring a formal complaint at all. That is their choice.

However, there may also be the circumstance where the concerns raised by that person are assessed as College-wide issues rather than issues affecting one person. If the issues raised are such that the health and wellbeing of staff or students is being or may be adversely affected, the College will initiate its own investigation into the issues.

The College reserves the right to set up an investigation at its own initiative. In the circumstances where the investigation is College-initiated, the staff / person who raised the complaint will not be named as complainant. That person will simply be interviewed as one of the witnesses.

The College has a duty to take reasonable care for the safety and welfare of students and staff within the context of College operations and when the teacher/student relationship is established.

## **19. ANNEXURES**

Annexures have been provided to guide the Executive Principal or delegate as they handle the issues of each complaint. Each annexure may be adapted and used according to the situation being dealt with.

## **20. RIGHT OF APPEAL**

The decision of the Executive Principal marks the end of the formal complaint process offered by the College. There is no right of appeal to the College Board although the aggrieved may pursue any external rights available under law.

## 21. REFERENCES

- Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)
- Fair Work Act 2009 (Cth)
- 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)
- Standards Australia, Guidelines for complaint management in organizations (ISO 10002:2022, NEQ)
- Nambour Christian College Enterprise Bargaining Agreement
- Nambour Christian College Enrolment Contract
- Nambour Christian College Child Protection Policy
- Nambour Christian College Work Health and Safety Policy
- Nambour Christian College Responsible Thinking Process – Secondary
- Nambour Christian College Responsible Behaviour Framework – Junior
- Nambour Christian College Student Bullying Policy
- Nambour Christian College Staff Code of Conduct
- Nambour Christian College Unprofessional Behaviour Policy
- Nambour Christian College Privacy Policy

## 22. DEFINITIONS

<b>Allegations</b>	Example of purported conduct/actions of the respondent toward the complainant/s.
<b>Complaint</b>	An expression of dissatisfaction made to or about the College, related to the College's services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required. <sup>2</sup>
<b>Complainant(s)</b>	The person(s), organisation or their representative making a complaint. <sup>3</sup>
<b>Formal Complaint</b>	A complaint about a matter that is serious, complex or may pose a threat to the health and safety of any person. Examples include serious allegations or breaches of policy, complaints against a senior staff member, including the Executive Principal or an informal complaint that could not be resolved informally. Assessment of the complaint is required by a relevant member of the senior leadership team. Formal complaints are to be made by using the Formal Complaints form (see annexure A).
<b>Informal Complaint</b>	A complaint about a matter that is likely to be simple, straight forward, easily manageable, or minor, where a simple or quick resolution is appropriate such as discussion of the matter with a relevant staff member.

<sup>2</sup> Standards Australia, Guidelines for complaint management in organizations (ISO 10002:2018, NEQ), s.4.3

<sup>3</sup> Standards Australia, Guidelines for complaint management in organizations (ISO 10002:2018, NEQ), s.4.2

<b>Parties</b>	The complainant(s) and respondent(s)
<b>Respondent</b>	The person who is referred to in a complaint by a complainant as the person responsible for their concerns or who can best respond to their concern.
<b>Support Person</b>	A person nominated to by the respondent, complainant or other witness to attend meetings/interviews with them in order to provide them with emotional support.
<b>Unacceptable Risk</b>	An assessment by the Executive Principal / leadership that the attendance at the College by the respondent would not be in the best interest of those involved with the complaint process.

### **23. Review**

It is intended that this policy will be formally reviewed every two (2) years or thereabouts but may be amended sooner if triggered by changes in law, operational shifts, or as part of the College commitment to continuous improvement.

## **ANNEXURE A**

## **FORMAL COMPLAINTS FORM**

For completion by person making complaint.

Date:

Complete this form if you have a concern about Nambour Christian College. Please consult the Complaints Policy before completing and submitting the form. While principles of confidentiality are observed in handling complaints, the disclosure of personal or identifying information to relevant staff will generally be necessary in responding to your complaint.

Please ensure you have read how to resolve any issues informally before you complete this form.

**DETAILS ABOUT RECEIVING COMPLAINT (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 Executive Principal  
Head of School – P / M / S

Have you sought to resolve your issue/s informally?  Yes  No

## INCIDENT DETAILS

Name of who finalised this complaint:

Date of filing: \_\_\_\_\_

## **ANNEXURE B**

### **CONFIDENTIALITY PROTOCOL FOR PARTIES AND WITNESSES**

This interview is being conducted by Nambour Christian College due to a formal complaint and will be carried out based on the principles of procedural fairness 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 procedural fairness and privacy and to attempt to avoid a claim of defamation against you. This matter is to remain confidential. You are not to discuss this matter with anyone, other than your external consultants and advisors, nominated College personnel (as nominated by the College, including the Executive Principal and the Complaints / Liaison Officer) and myself. If you believe another person has information or documentation that may be relevant to the investigation you must please provide that person's name and contact details to me and, during this investigation process, a decision will be made as to whether and to what extent we need to contact that person.
3. If confidentiality is breached, you could be sued for defamation.
4. The College will regard breaches of confidentiality as serious and may take disciplinary action including action under an Enrolment Agreement.
5. You are requested to proceed in a professional manner and observe appropriate workplace behaviours. No "victimisation" of or reprisal against anyone must arise during or after the investigation of this complaint.
6. Concise notes will be taken of what you say and will be shown to you at the end of the interview for accuracy.
7. 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:

Telephone:

Signed:

Date:

Complaints / Liaison Officer:

Date:

## **ANNEXURE C**

### **FORMAL COMPLAINTS CHECKLIST**

For Complaints / Liaison Officer

**Name of Matter** \_\_\_\_\_

Investigator is to check that the following has been complied with:

1. Process has been explained to all parties and witnesses.
2. **Confidentiality** has been explained.
3. The process of **procedural fairness** has been explained.
4. The role of the **support person** has been explained.
5. The investigation will be carried out in **good faith**.
6. **All persons** will be treated with **respect**.

In respect of the process of investigation explain the normal sequence to be followed to each of the parties.

The sequence **USUALLY** is (although this may be varied as required in the absolute discretion of the investigator):

- Respondent is made aware of the complaint and the nature of the complaint, with such particulars as may be known at that time and at the earliest opportunity.
- Confirmation of existence of the complaint and the pending investigation will be given to the parties, in writing.
- Complainant is asked for particularised allegations in writing or interview.
- Respondent provided with particularised allegations in writing as soon as they are available.
- Relevant witnesses interviewed after they have signed the confidentiality protocol (Annexure B).
  
- Complaints / Liaison Officer weighs evidence and writes report with findings and reasons.
- Findings must reflect the evidence.
- Report provided to the employer.
- Parties do not receive the names of witnesses or witness statements in this College process.
- The parties may receive feedback derived from the report by the Executive Principal or their delegate.
- Decision of Employer / Board: re outcomes.
- The Executive Principal may meet with each party to inform them of the outcomes decided.
- Complainant and respondent will also be informed in writing that the complaint has been investigated and dealt with accordingly.
- Remedies/consequences/outcomes put into action by employer.