



## COMPLAINTS HANDLING POLICY AND PROCEDURES

As Per Annexure D EBA

Lutheran Schools seek to be places where caring, cooperative and respectful relationships contribute to supportive communities that reflect the values of the gospel of Jesus Christ and where there is a focus on love, justice, compassion, forgiveness, service, humility, courage, hope, quality and appreciation and restoration.

Love one another as I have loved you. (John 15:12)

Speak the truth in love. (Ephesians 4:15)

Go to the person to speak about the concern. (Matthew 18:15)

It is recognised that parents and students have a right to raise concerns they may have about staff and to have them addressed appropriately.

The Complaints Handling Policy and Procedures provide a mechanism for complaints to be dealt with in a consistent, timely, fair and transparent way with sensitivity which gives effect to the above aims, and account to the legal obligations of Queensland Lutheran Schools, including (but not limited to) workplace health and safety requirements and the according of procedural fairness and natural justice.

### 1. Policy

Complaint or conflict situations often involve two or more people with different expectations and views, each one taking a position and acting on what they believe is right. In addition, schools have expectations that must also be taken into account.

Those involved in the management of complaints in Queensland Lutheran Schools:

- 1.1. Acknowledge and respect that employees, parents and students are **entitled to raise a complaint** in good faith;
- 1.2. Consider the **safety and welfare** of all the parties involved where appropriate;
- 1.3. Have a commitment to complaints handling procedures being **accessible**, promoted within the school and community, and **applied consistently and fairly** to all those to whom this Policy and Procedures is expressed to apply in paragraph 2.1 below;
- 1.4. Have a commitment to ensuring complaints are **dealt with sensitively** and **without undue delay**;
- 1.5. Subject to the affording of natural justice/ procedural fairness, **maintain confidentiality** of the process to protect its integrity and the welfare of all parties involved at all times; and
- 1.6. Act in **good faith**, exercise good judgment, focus on the issues not the person (impartial) and communicate in a courteous, and respectful manner.

### 2. Scope

2.1. The scope of this policy extends to complaints brought by any member of staff, parent/s, student/s or member/s of the community.

2.2. Queensland Lutheran Schools have specific policies/ procedures in place for:

- 2.2.1. Child Protection;
- 2.2.2. Unsatisfactory Performance;
- 2.2.3. Serious Misconduct and Summary Dismissal;
- 2.2.4. Appointments under the National School Chaplaincy and Student Welfare Program;

- 2.2.5. Accidents/ incidents more appropriately dealt with under the School's Incident Recording and Reporting and Incident Investigations procedures

Complaints assessed as relating to matters of the above nature should be dealt with under the specific policy/ies and or procedures in place relating to such matters.

### 3. Definitions

- 3.1. **Complaint:** An expression of dissatisfaction by any person, which may include an employee, parent or student of the College or community member about any act, behaviour, omission, situation or decision that is the person considers unfair or unjustified;
- 3.2. **Complainant:** any person who has a complaint. A complainant may include any member of staff, parent or student;
- 3.3. **Complaint Policy:** The policy set out in this document;
- 3.4. **Complaint Procedure:** the procedures set out in this document;
- 3.5. **Policy and Procedures Document:** This Complaints Handling Policy and Procedures document;
- 3.6. **Respondent:** Any person against whom a complaint is brought;
- 3.7. **School/ Schools:** Means the Schools listed in **Schedule 1** of this Policy and Procedure.

### 4. Confidentiality

- 4.1. Subject to the terms of this paragraph 4, Queensland Lutheran Schools are committed to the confidentiality of all Complaints, at all stages throughout the complaints handling process.
- 4.2. There are many reasons why a Complaint should at all times be handled confidentially. The existence and the nature of a complaint should not be disclosed to anyone other than those who need to know for the purposes of investigating, dealing with or providing support in respect of the matter or as otherwise required by law. Unnecessary disclosure of information may jeopardise an investigation, injure the reputations of innocent parties and/or negate any defences against defamation. In some cases, an inappropriate disclosure could also constitute a breach of an applicable law. Schools consider any breach of confidentiality a serious issue worthy of disciplinary action if warranted.
- 4.3. The identity of the person reporting the matter should not be revealed to any third party without the Complainant's consent, unless it is required to be disclosed by law or is required for the purposes of 4.4 and/ or 4.5 below.
- 4.4. Any documents created or dealt with during the course of the Complaint Procedure will be marked "confidential" and may only be accessed by the parties involved in the Complaint or by the School if the matter impacts upon the review of this policy. Any hard or soft copies of material associated with a Complaint should be handled responsibly and securely stored to prevent unauthorised access.
- 4.5. Whilst confidentiality is important, there may be circumstances in which it is not possible to uphold a person's right to confidentiality. For example, as a matter of procedural fairness, Respondents are generally entitled to know the nature of the allegation being made and who has made the allegation against them. As such, Complainants cannot be guaranteed anonymity with respect to their Complaint. Further, the Complaint may involve criminal activity, someone's health and safety being at risk, or disclosure may otherwise be required by law.

### 5. Timeframe for Resolution of Complaint

The School will endeavour to resolve all Complaints as quickly as possible. However, the timeframe for resolution of a Complaint will depend on the complexity, nature and scope of the Complaint.

## 6. Procedure

The Complaint Procedure consists of the following 3 level process. A complaint/s may be resolved at any stage of this process. Where possible, complaints should be responded to at the local level and at the lowest level possible.

- 6.1. **Levels 1 and 2** outline the *Informal Process*. If at all 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 complaint. Early action at levels 1 and 2 generally provides the best opportunity for positive resolution.
- 6.2. **Level 3** outlines the *Formal Process*. It is anticipated this stage will only be utilised if a resolution can not be reached using the Informal Process or the circumstances and / or the seriousness of the matter clearly require a formal process to be implemented. During the Formal Process, the outcome of the matter is determined by someone other than the immediate parties.

## 7. Reporting of Complaints – Roles and Responsibilities

The following key roles and responsibilities should be allocated and publicised in the School so that everyone is very clear about who to contact and the extent and limitations of that person's role:

| ROLE   | RESPONSIBILITIES   |
|--|--|
| <b>AUTHORISED PERSONS</b> <ul style="list-style-type: none"><li>• Trained to deal with complaints relating to behaviour</li></ul> <b>Mrs Jenni Krenske</b> | <ul style="list-style-type: none"><li>• Receive complaints;</li><li>• Take accurate and detailed records of complaints and subsequent action;</li><li>• Co-ordinate investigations;</li><li>• Keep the Complainant fully informed of progress to the resolution of the Complaint;</li><li>• Ensure that any agreed action arising from the Complaint is carried out.</li></ul>   |
| <b>COMPLAINTS COORDINATOR</b><br><b>Mrs Eureka Coetzee</b>   | <ul style="list-style-type: none"><li>• Senior contact officer;</li><li>• Acts as a point of contact for the parties involved and communicate with them;</li><li>• Receive complaints and hand to Authorised Person;</li><li>• Coordinate the tasks that need to be undertaken in the resolution process;</li><li>• Ensure everyone is treated fairly and with confidentiality;</li><li>• Ensure that details of all Complaints and subsequent action are recorded and filed confidentially.</li></ul> |
| <b>CONTACT OFFICERS</b> <ul style="list-style-type: none"><li>• <b>Mrs Jenni Krenske</b></li></ul>   | <ul style="list-style-type: none"><li>• Act impartially and with all due confidentiality to provide information and support and allow Complainants to make informed choices about further action in relation to alleged behaviour;</li><li>• Provide information about the options available to resolve the matter and possible outcomes.</li></ul>  |

## 8. The Informal Process

### Level 1: Affected Parties Meet

#### 8.1. Objects

8.1.1. If at all possible and appropriate, to encourage the parties to first seek to resolve issues in a timely manner informally, personally and in a spirit of goodwill and commitment to maintenance of a safe and harmonious environment.

8.1.2. To encourage those involved to approach the situation in an open, inclusive and cooperative manner and to work together to reach a mutually agreed resolution through a problem solving approach.

## 8.2. The Process

- 8.2.1. It is an expectation in Lutheran schools that, if at all possible and appropriate, understanding the viewpoint of all persons involved in an issue, including that of the person who has made the Complaint, is a paramount and therefore deserves the time and energy to work to create an outcome that fosters better relationships within the community.
- 8.2.2. Face to face resolution involves the person with the Complaint raising the matter directly either verbally or in writing, with the person(s) responsible for the behaviour to let them know the impact their behaviour has had and to see if a misunderstanding has occurred. In most instances, initial informal discussions lead to improved understandings and better working relationships and agreement for changed work practices.
- 8.2.3. As a matter of good practice, notes should be kept of any informal discussions as well as any agreed outcome.
- 8.2.4. The following process is recommended for the party initiating resolution:
- (a) Approach the Respondent to explain their concern using effective communication;
  - (b) Discuss the matter confidentially;
  - (c) State what the problem/s is/ are;
  - (d) Give an example of the behaviour that has caused dissatisfaction;
  - (e) State how it is affecting the party and their work;
  - (f) Describe what is at stake and why the problem needs to be resolved;
  - (g) Express personal willingness to contribute to a resolution;
  - (h) Seek the other person's perception of the situation;
  - (i) State what is needed;
  - (j) Be open to new/ alternative solutions and be willing to make the first move towards reconciliation.

## Level 2: Third Party to Assist Resolution

### 8.3. Objects

- 8.3.1. To use a neutral third party to help parties identify the disputed issues, understand the perspective of the other, develop options, consider alternatives and endeavour to reach a mutual agreement the parties are prepared to abide by.
- 8.3.2. To identify the disputed issues, understand the perspective of the other, develop options, consider alternatives and endeavour to reach an agreement the parties are willing to abide by, and encourage both parties to consider solutions at an early stage.

### 8.4. The Process

- 8.4.1. If informal discussions were unsuccessful in resolving the matter or were not possible/ appropriate, the Complainant should approach their Complaints Coordinator to put their concern in writing using the attached Complaint Form.
- 8.4.2. A copy of the form is provided to the Authorised Person.
- 8.4.3. The Authorised Person will approach the Respondent and request that they attend a third party facilitated discussion and/ or mediation to resolve the issue. The Authorised Person will show the Respondent the completed Complaint Form and offer the Respondent the opportunity to write down any objections to the complaint, their perceptions of the problem and suggestions as to possible solutions.

8.4.4. The Complainant and/or Respondent may have a support person present during the assisted discussion.

8.4.5. The neutral third party to assist the third party facilitated discussion and/or mediation may be (as appropriate):

- (a) A trained Mediator;
- (b) The School's Workplace Health & Safety Advisor;
- (c) Such other neutral person as the Principal may nominate.

8.4.6. The role of the neutral third party is to:

- (a) Provide a forum to allow the parties the opportunity to tell their side of the story openly;
- (b) Remain impartial;
- (c) Encourage formulation of solutions;
- (d) If the matter is not resolved, advise about future process options;
- (e) Maintain confidentiality at all times.

8.4.7. The neutral third party should keep notes of the assisted discussion, including any agreed outcome or, if final agreement is not reached, the areas of agreement and disagreement that exist between the parties.

8.4.8. It should be noted that any agreement reached by the parties during a third party assisted discussion is not directly enforceable against the School (except in the situation where the Principal or his/ her nominee is in attendance at the mediation/ consultation and/ or the Principal/ nominee agree to be bound by the outcome).

## 9. Level 3: The Formal Process

It is anticipated that this stage will only be utilised if a resolution cannot be reached using the Informal Process outlined above or the seriousness of the matter clearly requires a formal process to be implemented. During the Formal Process, the outcome of the matter is determined by someone other than the immediate parties.

### 9.1. Lodging a Complaint

9.1.1. Complainants may formally make a Complaint by completing the attached Complaint form and lodging the Complaint with the Complaints Coordinator in any of the following ways:

- (a) Sending a fax marked to the attention of the Complaints Coordinator to 49921813
- (b) Sending the Complaint Form to the Complaints Coordinator at 2 Collard Street, Biloela. 4715;
- (c) Handing the Complaint Form to the Complaints Coordinator.

9.1.2. The Complaint Form will include, along with the specific allegations, the name and contact details of the Complainant, details of the Complaint (when, where, what and who it involves), dates, and times of the Complaint, names of any witnesses and desired outcome.

9.1.3. Where the Complaint is against the Principal, the Complaint should be made to and lodged with a member of the School's governing body. In such case, the Chair of School Council shall be the Authorised Person for the purposes of this Policy and Procedures Document.

9.1.4. Complaints may also be lodged by telephoning the Authorised Person on 49921813 or 0400746040, or by reporting the Complaint to the Authorised Person. When a Complaint is lodged in either of these ways, the Authorised Person will request the Complainant to put his or her Complaint in writing. However, sometimes a Complainant will not wish or be able to do so, and/or he or she may request that no action be taken at all. If this occurs, the School may be legally obliged to take action, despite the Complainant's request depending on the circumstances and/ or the seriousness of the matter. This is because failure to

respond to a Complaint, even an unwritten and informal one, could put the School in breach of its legal obligations under anti-discrimination legislation (for example, where the Complaint involves an allegation of sexual harassment), under occupational health and safety legislation (for example, where the complaint involves an allegation of conduct causing a health or safety risk) or other legislation (refer to paragraph 4.5 above).

9.1.5. Where the School is legally obliged to take action and the Complainant is unwilling or unable to put the Complaint in writing, the Authorised Person will identify the allegations contained in the Complaint and record them in writing on the Complainant's behalf.

9.1.6. Anonymous Complaints are taken seriously, recorded and considered by the School as far as practically possible. However, it is acknowledged that there can be limitations on investigation and resolution of Complaints received anonymously. This is because, as a matter of procedural fairness, Respondents are generally entitled to know the nature of the allegation being made and who has made the allegation against them.

## **9.2. Recording the Complaint**

The person receiving the Complaint will record the information in a confidential Complaints Register stored in a secure, locked location, and ensure that written acknowledgement of receipt of the Complaint is provided to the Complainant.

## **9.3. Assessing the Complaint**

9.3.1. Once sufficient information about the Complaint has been obtained, then the Principal or the Principal's nominee should conduct an initial assessment of the Complaint and an appropriate procedural response.

## **9.4. Respond and Resolve**

9.4.1. Where possible, Complaints should be responded to at the local level and at the lowest level possible.

9.4.2. The School will try to resolve all Complaints as quickly as possible. However, the timeframe for resolution of a Complaint will depend on the complexity, nature, scope of the Complaint and the action required (refer to paragraph 9.5 below).

9.4.3. If, during an investigation (refer paragraph 9.6 below), it becomes clear that the Complaint is not a Complaint to which this Policy and Procedures Document applies, or is another Complaint type to which another School policy/ies specifically apply/ies, the investigation should be discontinued and the Complaint referred or otherwise dealt with appropriately.

9.4.4. No all matters will need to be raised with the Respondent concerned if, after initial investigation the matter proves to be unfounded or vexatious.

## **9.5. Action Required**

9.5.1. Following assessment of the Complaint, the action required will depend upon the seriousness of the matters alleged. Action required may involve:

9.5.2. *No Action*. The School may decide to take no action if the issue has been resolved or the situation complained about no longer exists. In deciding to take no action or discontinuing action, the School should consider all of the available facts against the potential outcomes to individuals and the organisation.

9.5.3. *Management Action*. In the case of less serious matters and provided there is sufficient information, the School may respond to a Complaint by taking management action such as changing a decision, providing information, correcting a record, effecting a change in policy/ procedure of the School, waiving a penalty, implementing increased supervision or performance management strategies/ processes, giving guidance or counselling, or providing specific training.

9.5.4. *Reporting of Criminal Matters to Police*. In some instances, the School has no discretion and the Complaint must be reported to the Police or other relevant outside authorities. Such instances may include (but are not limited to) physical or sexual assault, fraud, indecent exposure, stalking or obscene communications, threatening behaviour.

9.5.5. *Investigation*. There will be some cases where a full investigation of the Complaint is the only appropriate response. Where the most serious possible consequence of the Complaint are (by way of example) dismissal (or demotion) (in the case of an employee), exclusion of a student and/or termination of an enrolment contract with the School, the School should take the utmost care to ensure such matters are investigated fairly and thoroughly. During an investigation, the outcome of the matter is determined by someone other than the immediate parties.

## 9.6. Investigation

9.6.1. If it is determined that an investigation of the Complaint is required, the investigation will be conducted in a fair, objective and timely manner in accordance with the principles of natural justice and procedural fairness.

9.6.2. Procedural fairness/ natural justice involves:

- (a) The Respondent being informed of allegations made against them. To avoid confusion over the allegation, it is a requirement that the Respondent be informed of the allegations in writing at least 24 hours prior to interview;
- (b) Informing both the Complainant and Respondent of the process and their right to have a support person throughout the process, and the possible consequences of the investigation;
- (c) Providing a reasonable opportunity to respond – to both Respondent and Complainant, at relevant stages of the investigation;
- (d) Avoiding undue delay;
- (e) All decisions being made impartially/ without bias;
- (f) Acting only on the basis of logically probative evidence;
- (g) Providing at least 24 hours notice in writing to all parties of any interviews or meetings regarding the Complaint;
- (h) Considering any special needs of the Complainant and/or Respondent and putting in place appropriate measures to manage same.

9.6.3. Further, the Complainant and Respondent should be informed of:

- (a) Requirements of confidentiality (refer to paragraph 4 above);
- (b) If necessary, what interim measures will be taken to ensure the safety and welfare of the Complainant, Respondent or any other person during the investigation (in serious matters, interim measures may include suspension on full pay of the Respondent).

9.6.4. The investigator will:

- (a) Gather and analyse information;
- (b) Formulate decisions (whether a Complaint/s is substantiated/ unsubstantiated);

- (c) Document their findings and provide a copy of same to the Principal for consideration. However, in the event the Complaint is made against the Principal, the investigator shall provide a copy of their findings to the Chair of College Council for consideration;
- (d) The Principal should communicate the findings to the parties in writing. However, in the event the Complaint is made against the Principal, the Chair of College Council shall undertake this task. A copy of the investigator's findings referred to in paragraph 9.6.4(c) above will be provided to the Complainant/ Respondent upon request.

**9.7. Determination**

9.7.1. If a Complaint is found to be substantiated it may be dealt with under an applicable School policy or contract, appropriate management or disciplinary action or as prescribed under an applicable Annexure to the Queensland Lutheran Schools Single Enterprise Agreement 2013 (as amended or replaced from time to time). If the Complaint is found to be vexatious, appropriate management and/or disciplinary action may result.

9.7.2. Assistance should also be provided for the Complainant, such as (but not limited to):

- (a) Offering professional counselling;
- (b) Mentoring and support from a senior manager or other appropriate school community member;
- (c) Providing training.

**9.8. Victimisation/ Adverse Action**

9.8.1. No victimisation/ adverse action should be taken against any party because they are exercising their right to make/ respond to/ give evidence in relation to/ assist in administering a complaint.

9.8.2. *Victimisation* occurs when a person is treated less favourably or is aggrieved in some way because they have chosen to taken certain actions, such as a legal claim against a Respondent. Unfavourable treatment could include (but is not limited to) adverse changes in the work environment, denial of training and/or promotion opportunities, and/or retribution or exclusion by peers.

**9.9. Vexatious Complaints**

9.9.1. A *good faith* Complaint is a Complaint submitted by a Complainant who has honest belief based on reasonable grounds.

9.9.2. If a Complaint is found to be *vexatious*, that is, without foundation/ reasonable grounds, and is intended to cause unjustifiable damage to the career and reputation of the alleged harasser, to obtain a personal benefit, or to extract revenge in regard to a personal or professional issue, then disciplinary action may result (refer to paragraph 9.7.1 above).

**10. Review**

10.1. The Council for Lutheran Education Queensland (**CLEQ**) will conduct an annual review of the effectiveness of this Policy and Procedures Document.

10.2. CLEQ reserves the right to amend this Policy and Procedures Document at any time.

| Developed/Reviewed | College Council Chairman | Principal     | Review Due |
|--------------------|--------------------------|---------------|------------|
| May 2014           | Gavin Lotz               | Jenni Krenske | May 2016   |
|                    |                          |               |            |



## COMPLAINT FORM

|  |                |  |
|--|----------------|--|
| <b>Complainant Name</b>  |                |  |
| <b>Complainant Contact Details</b>   | <b>Address</b> |  |
|  | <b>Email</b>   |  |
|  | <b>Phone</b>   |  |
| <b>Details of the Complaint</b><br><i>(when, where, what and who it involves), dates, and times of the Complaint</i> |                |  |
| <b>Names of Witnesses</b>  |                |  |
| <b>Desired Outcome</b>   |                |  |

Signature \_\_\_\_\_

Date \_\_\_\_\_

