

Complaints Management Policy

V 1.04

Section A: Policy
Section B: Procedure
Section C: Process

A1 Purpose of Policy

The purpose of this policy is to provide a system for the management of complaints about educational and administrative issues made by employees and clergy of Matthew Flinders Anglican College, all students of the College, parents or guardians, and all members of the community.

The Aim of this Policy is to:

- Provide an efficient, open, honest, transparent and accessible mechanism for addressing complaints, relevant to this policy, in accordance with the principles of natural justice;
- Ensure fairness towards both complainants and respondents is upheld throughout the Complaints Management process;
- Deal with complaints as swiftly and comprehensively as possible;
- Provide sufficient opportunity for any complaint to be fully discussed and addressed through dialogue and mutual understanding;
- Enhance the level of parent or guardian satisfaction with the school and the relationship of parents or guardians and students with teachers;
- Ensure the Complaints Management process is accessible;
- Ensure the complaints information is integrated into the school's continual improvement process.

A2 Exclusions

This policy will not apply in the following circumstances where a complaint relates to:

- Alleged workplace bullying, discrimination, physical assault, harm, harassment or sexual harassment. Such complaint will be made and dealt with in accordance with College's **Anti-Bullying and Anti-Harassment Policy**.
- The abuse of an enrolled student under 18 years of age and is an allegation of sexual abuse or likely sexual abuse, significant harm or unacceptable risk of harm or inappropriate behaviour. Such complaint shall be made and dealt with in accordance with the **Student Protection in Anglican Schools Policy and Procedures** which is available from the MFAC website.

A3 Complaints Relating to Non Compliance of Student Protection Policy and Procedures

If the **Student Protection in Anglican Schools Policy and Procedures** is not followed then a complaint must be made to both the Principal and the Director of Professional Standards, Anglican Church Southern Queensland dops@anglicanchurchsq.org.au or telephone 07 3835 2266.

A4 College Policy

The objectives of this policy are to:

- Provide students, parent(s), guardian(s) and or College staff with the opportunity to access procedures to facilitate the making of and resolution of a dispute or complaint, including the process and circumstances for escalating through the College's complaints process.
- Make provision for an adequate records system to maintain all complaints and ensure that due process is followed.
 - Provide and promote an approach responding to and investigating complaints that is:
 - Transparent;
 - Consistent;
 - Timely;
 - Responsible; and
 - Private and confidential.
- Ensure complaints are dealt with in a fair and confidential manner that:
 - Is absent of victimisation, discrimination or retribution;
 - Includes Natural Justice principles; and
 - Is independent of those handling the complaints process.

A5 Appeals

In the event that the person who made the complaint has a concern that the processes within this Complaints Management Policy and associated procedures have not be followed, then the person is able to make an appeal pursuant to the MFAC Complaints Management Policy and Procedures.

B1 Purpose of Procedure

The purpose of the procedures is to provide guidance and direction to Matthew Flinders Anglican College in the implementation of written process and management practices for responding to a complaint applicable under the procedures.

C1 Raising a Complaint Applicable to this Policy

In the first instance, if appropriate, every attempt should be made to discuss the matter with the person most immediately and directly concerned. This list is not exhaustive but includes e.g.:

- Supervisor
- Teacher
- Principal
- Chairman of the Board of Directors

C2 Complaints Concerning a Student's Teacher:

If a Complaint relates to a student's teacher, or relates to an issue concerning a student's experience at school, the complainant shall make an appointment with the student's teacher to discuss the matter (if appropriate) as soon as possible. In circumstances where a student has more than one teacher, where the complaint relates to one of the student's teachers, the appointment is to be made with the teacher to whom the complaint relates.

If appropriate, the complainant shall give the teacher an opportunity to tell that person all he/she knows about the incident or issue. Together both the complainant and teacher can then take steps to attempt to resolve the problem at this level.

The teacher will make a record of the complaint and report the meeting and any outcomes to the relevant Deputy Principal.

If the complainant determines it is not appropriate to raise the complaint in accordance with the process outlined in C2, or if, after following that process, is dissatisfied with the manner in which their complaint was addressed then the complainant shall address their complaint, in writing, to the relevant Deputy Principal.

If the complainant considers the Deputy Principal has not properly dealt with a complaint, the complaint can be addressed to the Principal.

C3 Complaints Concerning Administrative Staff:

If the complaint is about a non-teaching or administrative staff member, or a teacher other than a student's teacher, the complainant shall attempt to discuss the matter with the person to whom the complaint relates by agreement with that person's immediate supervisor.

If the complainant determines it is not appropriate to raise the complaint in accordance with the process outlined in C3, or if, after following that process, is dissatisfied with the manner in which their complaint was addressed then the complainant shall address their complaint, in writing, to the relevant Deputy Principal.

If the complainant considers the Deputy Principal has not properly dealt with a complaint, the complaint can be addressed to the Principal.

C4 Complaints Concerning the Principal:

If the complaint relates to the Principal the complainant shall make an appointment with the Principal to discuss the matter (if appropriate) as soon as possible through the College's administration office.

If appropriate, the complainant shall give the Principal an opportunity to tell that person all he/she knows about the incident or issue. Together both the complainant and Principal can then take steps to attempt to resolve the problem at this level.

If the complainant determines it is not appropriate to raise the complaint in accordance with the process outlined in C4, or if, after following that process, is dissatisfied with the manner in which their complaint was addressed then the complainant shall address their complaint, in writing, to the Chairman of the Board of Directors (chairman@mfac.edu.au).

C5 Complaints Concerning a Member/s of the Board of Directors:

If the complaint relates to the College Board or a member of the College Board then the complainant shall make the complaint in writing to the Chairman of the Board of Directors.

If appropriate, the complainant shall give the Chairman of the Board of Directors an opportunity to tell that person all he/she knows about the incident or issue. Together both the complainant and Chair of the College Board can then take steps to attempt to resolve the problem at this level.

C6 Complaints Concerning the Chairman of the Board of Directors

If the complaint relates to the Chairman of the Board of Directors, then the complainant shall make the complaint, in writing, to the Principal, who will forward to the Deputy Chairman of the Board of Directors or as appropriate.

If appropriate, the complainant shall give the Deputy Chairman all he/she knows about the incident or issue. Together, the complainant and the Deputy Chairman can then take steps to attempt to resolve the matter.

C7 Definitions

- **Alleged:** means a complaint made against a person which has yet to be resolved.
- **Allegation:** means information or an assertion which is still to be proved.
- **Assault:** defined as:
'Any person who strikes, touches or moves, or otherwise applies force of any kind to, the person of another, either directly or indirectly without the other person's consent, or with the other person's consent if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without the other person's consent, under such circumstances that the person making the attempt or threat has actually or apparently a present ability to effect the person's purpose, is said to assault that other person, and the act is called an assault.' <https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/CriminCode.pdf>
- **Bullying:** Bullying is the repeated less favourable treatment of a person by another or others in the workplace or learning environment which is considered unreasonable and inappropriate workplace practice. It includes behaviour that intimidates, degrades, humiliates or offends a person and is generally persistent, systematic and ongoing behaviour.
- **Canon:** means and includes any enactment of the Synod.
- **Complaint:** means a grievance, problem, difficulty or concern that is made either verbally or in writing regarding another student and/or member of school staff.
- **Complainant:** means any person who makes a complaint.
- **Employees:** means office holders and staff members who work in a paid [full time / part time / casual] or voluntary capacity in Matthew Flinders Anglican College. This term may include a 'church worker'.
- **Grievance:** means a concern or complaint about an act, behaviour, omission, situation or decision that someone thinks is unfair or unjustified;
- **Harm:**
 - Harm to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.
 - It is immaterial how the harm is caused.
 - Harm can be caused by:
 - Physical, psychological or emotional abuse or neglect; or
 - Sexual abuse or exploitation.
 - Harm can be caused by:
 - A single act, omission or circumstance; or
 - A series or combination of acts, omissions or circumstances.<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>
- **Inappropriate behaviour:** means any behaviour of an employee of the school including words, towards a student, regardless of age, which is inconsistent with the relevant Professional Standards, Code of Conduct and policies of the College and is considered to be 'inappropriate behaviour' by the person making the complaint.
- **Natural Justice:** The principles of natural justice will apply to all decisions made under this policy and procedures document. As the consequences of any decision (that is, the effect/s on a person's rights, interests or legitimate expectations) for any individual become more severe, so the importance of demonstrably acting fairly increases. The fundamental principles of natural justice are:
 - The right to be given a fair hearing and the opportunity to present one's case;
 - The right to have a decision made by an unbiased decision-maker; and
 - The right to have that decision based on logically probative evidence.
- **Parent:**
 - (1) A *parent*, of a child, is any of the following persons:
 - The child's mother;
 - The child's father;
 - A person who exercises parental responsibility for the child.
 - (2) However, a person standing in the place of a parent of a child on a temporary basis is not a parent of the child.
 - (3) A parent of an Aboriginal child includes a person who, under Aboriginal tradition, is regarded as a parent of the child.
 - (4) A parent of a Torres Strait Islander child includes a person who, under Island custom, is regarded as a parent of the child.
 - (5) Despite subsections (1), (3) and (4), if:
 - (a) A person is granted guardianship of a child under the Child Protection Act 1999; or

(b) A person otherwise exercises parental responsibility for a child under a decision or order of a federal court or a court of a State;

Then a reference in this Act to a parent of a child is a reference only to a person mentioned in paragraph (a) or (b).

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EducGenPrA06.pdf>

- **Sexual Abuse**

Sexual abuse in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances:

(a) The other person bribes, coerces, exploits, threatens or is violent toward the relevant person;

(b) The relevant person has less power than the other person;

(c) There is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EducGenPrA06.pdf>

- **Sexual Harassment**

The legal definition of Sexual Harassment is behaviour which:

- o Subjects another person to an unsolicited act of physical intimacy; or

- o Makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person; or

- o Makes a remark with sexual connotations relating to the other person; or

- o Engages in any other unwelcome conduct of a sexual nature in relation to the other person.

- **Significant harm:** Means - any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. Harm can be caused by physical, psychological or emotional abuse or neglect, or sexual abuse or exploitation, and it is immaterial how the harm is caused. A professional may use their knowledge, training and expertise in identifying significant harm, which recognises that professionals may detect an impact of harm that non-professional people may not.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Review: V 1.01 Principal | 12 August 2016

Review: V 1.02 Board of Directors | 2 September 2016

Review: V 1.03 Board of Directors | 27 October 2016

Review: V 1.04 HR Office | 19 December 2016

Contact: Principal's Office

Authorised by: Principal

Modified from: Anglican Church of Southern Queensland
Complaints Management in Anglican Schools Policy and
Procedures 2015

V1.00: Bruce Winther | July 2016

Next Review Due: July 2017

This policy may be updated or revised from time to time. The College will not notify you each time the Policy is changed. If you are unsure whether you are reading the most current version, you should contact the Principal's Personal Assistant.