



Opus Angelorum Ltd.

# ANGELORUM COLLEGE

Opus Angelorum Ltd. is the governing body of Angelorum College.

## COMPLAINTS HANDLING PROCEDURE

<b>Purpose:</b>	The purpose of this document is to outline the responsibilities and processes for the consistent management of complaints and grievances at Angelorum College (“the School”).	
<b>Scope:</b>	This policy and procedure applies to students, parents and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements.	
<b>References:</b>	<ul style="list-style-type: none"> <li>• <a href="#">Education (Accreditation of Non-State Schools) Regulations 2017</a></li> <li>• <a href="#">Australian Education Regulations 2013</a></li> <li>• <a href="#">Fair Work Act 2009</a></li> <li>• <a href="#">Work Health and Safety Act 2011 (Qld)</a></li> <li>• <a href="#">Privacy Act 1988 (Cth)</a></li> <li>• <a href="#">Anti-Discrimination Act 1991 (Qld)</a></li> <li>• <a href="#">Australian Human Rights Commission Act 1986 (Cth)</a></li> <li>• <a href="#">Sex Discrimination Act 1984 (Cth)</a></li> <li>• <a href="#">Age Discrimination Act 2004 (Cth)</a></li> <li>• <a href="#">Disability Discrimination Act 1992 (Cth)</a></li> <li>• <a href="#">Racial Discrimination Act 1975 (Cth)</a></li> <li>• Angelorum College Complaints Handling Policy</li> <li>• Angelorum College Work Health and Safety Policy</li> <li>• Angelorum College Anti-Discrimination Policy</li> <li>• Angelorum College Sexual Harassment Policy</li> <li>• Angelorum College Disability Policy</li> <li>• Angelorum College Workplace Bullying Policy</li> <li>• Angelorum College Privacy Policy</li> </ul>	
<b>Supersedes:</b>	Policy adopted on 19 June 2017.	
<b>Authorised by:</b>	Chair of Opus Angelorum Ltd.	<b>Date of Authorisation: 24 July 2021</b>

<b>Review Date:</b>	Annually	<b>Next Review Date:</b> 24 July 2022
<b>Policy Owner:</b>	Opus Angelorum Ltd.	

Angelorum College values students, parents and staff and believes that a process for the acceptance, monitoring and resolution of conflict, complaints and grievances is in the best interests of maintaining a harmonious, supportive and productive community. Angelorum College is committed to responding to complaints and grievances in a timely, appropriate and fair manner.

This complaints handling procedure is aimed at providing a process for managing complaints and grievances in a simple, well defined manner in a supportive and co-operative environment with the utmost confidentiality and sensitivity.

## 1. SCOPE

- (i) The scope of this procedure extends to grievances brought by any member of staff, parents or students.
- (ii) Some grievances are better handled under other policies of the College. The College has specific policies in place for these issues.

## 2. DEFINITIONS

- (i) A 'grievance' is any concern or complaint about any act, behaviour, omission, situation or decision that someone thinks is unfair or unjustified.
- (ii) A 'complainant' is any person who has a grievance. This may include any member of staff, employee, parent or student;
- (iii) A 'respondent' is any person against whom a grievance is brought;

## 3. CONFIDENTIALITY

- (i) The College is committed to the confidentiality of all complaints, at all steps in the process of their resolution.
- (ii) Only the College and persons directly involved in a grievance will have access to information about the subject of the grievance. It is expected that parties involved will discuss the matter only with their support persons or the other parties involved.
- (iii) Complainants and respondents have a duty to uphold strict confidentiality during the grievance procedure for the safety and consideration of others that may be involved. Complainants and respondents must not publicise the grievance or the progress of its resolution. The College considers any breach of confidentiality a serious issue worthy of disciplinary action if warranted.
- (iv) Any documents created or dealt with during the course of the procedure will be marked "confidential" and stored in a safe place. These documents may only be accessed by the parties involved in the grievance or by the College if the matter impacts upon the review of this policy.
- (v) Although the College is committed to the confidentiality of all complaints, there may be situations where it is not possible to uphold a person's right to confidentiality. For example, a person's health and safety may be at risk, or the grievance may involve criminal activity. In these circumstances, the College will always prioritise the safety of the students, staff and wider community.

## 4. TIME LIMIT

The College will try to resolve all grievances as quickly as possible. However, the timeframe for resolution of a grievance will depend on the complexity, nature and scope of the grievance.

## 5. PROCEDURE

The complaints handling procedure consists of a four-step process. A complaint or grievance may be resolved at any stage.

Steps 1 and 2 comprise the *informal process* as, at this stage, the outcome of the dispute is still within the hands of the parties. The *informal process* utilises the concept of 'Contact Officers'

Steps 3 and 4 comprise the *formal process* with the issues being investigated by an "investigator".

### ***Who are the Contact Officers?***

Contact Officers have a varied role during the informal stages of the resolution process.

*Student complainant:* Senior Teacher / Principal

*Parent complainant:* Senior Teacher / Principal

*Staff complainant:* Principal / Business Manager / Member of the Board

Contact Officers are available as a support and to advise on the best way to communicate with the respondent. Contact Officers may advise on the best ways to broach the subject with the respondent and wording of their grievance in a non-threatening manner. They will not engage in gossip or share their personal opinions on the matter.

5.1 The role of the Contact Officer is to:

- Let parties communicate their concerns openly;
- maintain impartiality;
- encourage solutions;
- keep notes of any solutions that were suggested by either party;
- write down in detail the solution that is finally determined;
- maintain confidentiality at all times.

### ***Who may be a support person?***

From the beginning of the process, complainants and respondents are encouraged (but not obliged) to seek out a support person who can provide support and encouragement throughout the process. Support persons should not themselves be directly involved in the matter which is the subject of the grievance.

Support persons may include but are not limited to the following:

- *Student complainant:* Students will be supported by their parents, but are also encouraged to speak to a College Teacher.
- *Parent complainant:* Parents are encouraged to speak to another parent.
- *Staff complainant:* Staff are encouraged to speak to another staff member.

Support persons are entitled to accompany a complainant/ respondent to any meetings that take place during the grievance process but must not have an active role in the resolution process. It is not the role of the support person to be a spokesperson for the complainant.

## 5.2 STAGE 1 – INFORMAL DISCUSSIONS

The College recognises that often grievances are simple misunderstandings that are easily resolved via effective communication. For example, if a parent has a classroom-related grievance the matter should normally be initially discussed with the Class Teacher or Teachers.

Every grievance should normally be addressed via informal discussion in the first instance. Grievances should not normally be able to progress to the next phase unless both parties have first attempted to discuss the issue.

### Objectives

- To resolve issues in a timely manner informally and personally;
- to assist communication between the parties;
- to address minor misunderstandings.

### The process

The complainant is to approach the respondent and explain their grievance in a non-threatening manner using effective communication. Complainants are advised to approach a Contact Officer for guidance in this stage of the procedure.

Complainants and respondents may seek out support persons during this time. However, minor misunderstandings are often resolved in a non-threatening environment. Thus, it is not recommended that support persons attend an informal discussion with the complainant.

## 5.3 STAGE 2 – INFORMAL MEDIATION

### Objectives

- To use a neutral third party to help to resolve the grievance by isolating the main themes and problems and encouraging parties to create solutions;
- to clarify issues and sequences of events;
- to encourage parties to work together to reach a mutually acceptable solution;
- to encourage both parties to think of solutions at an early stage.

### The Process

If informal discussions were unsuccessful in resolving the matter or if such informal discussions were for some reason considered untenable, the complainant should approach their Contact Officer to put their concern in writing.

- a) Complainants must submit their grievance in writing, including details of:
- date/s, time/s and place/s of the grievance;
  - perceived problem from the perspective of the complainant;
  - a written account of the progress of any informal discussions that were held between the parties;
  - suggestions as to possible solutions;
  - whether the problem is a systemic or recurring problem.
- b) A copy of the written grievance is given to the board Chair.
- c) The Contact Officer will approach the respondent and request that they attend an informal mediation to resolve the issue.
- d) The Contact Officer will reveal to the respondent the essence of the complainant's grievance 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.
- e) The Contact Officer oversees the process and conducts the mediation.
- f) During the mediation, the complainant and respondent will be encouraged to explain to the other party their perspective of the grievance and how it has affected them.
- g) The Contact Officer will then encourage the parties to suggest and agree on negotiated solutions. The Contact Officer will be neutral in their dealings with each party both before and during the mediation.

#### 5.4 STAGE 3 – FORMAL INVESTIGATION

It is anticipated that this stage will only be utilised if a resolution cannot be reached through mediation or if one party is unhappy with the grievance procedure.

During an investigation, the outcome of the matter is determined by someone other than the parties.

##### **Who will be the investigator?**

- (i) The following people are appointed as investigators, or, if the parties agree, an independent arbiter may be selected by them.
- *Student complainant*: The Principal or other such person the Principal may appoint.
  - *Parent complainant*: The Principal or other such person the Principal may appoint.
  - *Staff complainant*: The Principal or other such person as the board may appoint.
- (ii) If the Principal is the subject of the grievance, the investigator will be a member of the College board.
- (iii) If a member of the College board (other than the Chair) is the subject of the grievance, the investigator will be the Chair of the College board.
- (iv) If the Chair of the College board is the subject of the grievance, the matter should be

referred to a committee of two different members of the board.

If the board as a group is the subject of the grievance the matter should be referred to an approved external body.

### **Role of the Investigator**

In determining the substance of the allegations/ grievance and recommending a course of action, the investigator must review the written complaint of the complainant, any written response by the respondent and any written records made by the Contact Officer at the mediation. The investigator may also:

- conduct interviews with either party;
- speak to witnesses;
- peruse any further information that may be provided by the complainant and respondent. This may include written materials, witness accounts or any other evidence directly relevant to the issues that the party wishes to be considered in the process.

### **Determinations**

The Investigator may:

- uphold the grievance; or
- dismiss the grievance if it is considered that it is without merit or is frivolous or vexatious.

The investigator may make any recommendations they consider appropriate in the circumstances. This may include but is not limited to:

- discipline or reprimand;
- counselling;
- a change in policy/procedure of the College.

The investigator must fully document the actions they have decided and the reasons for them and provide to both the complainant and respondent a copy of this information.

## **5.5 STAGE 4 - APPEALS COMMITTEE**

### **What is the Appeals Committee?**

The appeals committee will normally consist of two persons:

- the Chair of the board
- one other board member who is not an investigator of the complaint/grievance.

If a member of the board has acted as an investigator in the matter, they may not form part

of the appeals committee.

### **Role of the appeals committee**

The function of the appeals committee is to determine whether the investigator made a decision that was fair and reasonable in the circumstances based on the information available to the investigator at the time of the investigation.

### **Resources of the appeals committee**

The appeals committee must consider the following in making their determination:

- written complaint(s);
- written response(s);
- records of the Contact Officer from mediation;
- written determination and reasons of the investigator.

When a complaint is brought to the appeals committee, the complainant or respondent may provide to the appeals committee submissions outlining why the decision of the investigator is wrong. These submissions must also be considered by the appeals committee when making their determination.

### **Determinations of the appeals committee**

The appeals committee may only:

- uphold the decision of the investigator;
- overturn the decision of the investigator and make new recommendations.

The appeals committee must fully document the actions they have decided and the reasons for it and provide to both the complainant and respondent a copy of these.

## **5.6 RIGHTS AND RESPONSIBILITIES OF THE COMPLAINANT**

The complainant has the right:

- to be heard and listened to;
- to have the complaint addressed with procedural fairness;
- to have the complaint dealt with quickly;
- to seek legal advice;
- to advice and support;
- to have a support person present at all meetings;
- to confidentiality and sensitivity in the resolution of the process but relative to clause 3.(v) of this Procedure.

Victimisation and repercussions of ill treatment as a result of bringing the complaint will not be tolerated.

The complainant has the responsibility:

- to approach the process in good faith;
- to uphold strict confidentiality;
- to be courteous in dealing with the respondent, Contact Officer and investigator;
- to ensure that any support person understands their role in the process.

## 5.7 RIGHTS AND RESPONSIBILITIES OF THE RESPONDENT

The respondent has the right:

- to present their version of events and reasoning;
- to be informed of a complaint against them within a reasonable time frame;
- to seek legal advice;
- to advice and support;
- to have a support person present during all meetings;
- to confidentiality and sensitivity in the resolution of the process but relative to clause 3.(v) of this Procedure.

The Respondent has the responsibility:

- to approach the process in good faith;
- to uphold strict confidentiality;
- to be courteous in dealing with the complainant, Contact Officer and investigator;
- to ensure that any support person understands their role in the process.

## **6. RESPONSIBILITY FOR THE MAINTENANCE OF THIS POLICY**

The board in conjunction with the Principal is responsible for monitoring complaints and grievances and the application of the Complaints Handling Policy and Procedure.