

## Complaints Handling Policy

### GUIDING SCRIPTURE

Therefore, as God's chosen people, holy and dearly loved, clothe yourselves with compassion, kindness, humility, gentleness and patience. Bear with each other and forgive one another if any of you has a grievance against someone. Forgive as the Lord forgave you (Colossians 3:12-13).

### PURPOSE

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.

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 St John's Lutheran School, including (but not limited to) workplace health and safety requirements and the according of procedural fairness and natural justice.

### SCOPE

The School has specific policies in place for issues such as child protection, workplace discrimination, unsatisfactory performance, serious misconduct and summary dismissal, and accidents/incidents more appropriately dealt with under the school's incident reporting and investigation procedures. Complaints determined 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 and the complainant and respondent shall be advised accordingly which policy/ies are being invoked.

This *Complaints Policy* is based on the fundamental framework in the *Complaints Handling Policy and Procedures* at Annexure C in the *Queensland Lutheran Schools Single Enterprise Agreement 2020*.

Subject to this, the scope of this policy extends to complaints brought by any member of staff, parent/s, student/s or other member/s of the School or wider community.

### DEFINITIONS

**Complaint:** An expression of dissatisfaction by any person, which may include an employee, parent, student or other member of the School or wider community about any act, behaviour, omission, situation or decision that the person considers unfair or unjustified

**Complainant:** any person who has a complaint. A complainant may include any member of staff, parent, student or other member of the School or wider community

**Particulars:** the particulars of an allegation must provide enough detail to enable the Respondent to provide a response. Details such as who, what, when, where and how must be provided to ensure delivery of natural justice. Relevant particulars of the allegation/s or information relied on to support the allegation should be provided to the Respondent in writing

**Respondent:** Any person against whom a complaint is brought

## ST JOHN'S LUTHERAN SCHOOL, KINGAROOY

**Support Person/Representative:** Both Complainant and Respondent are entitled to avail themselves of a support person or representative of the Complainant's/Respondent's choosing. A support person provides support, and a representative provides support and/or advocacy (where appropriate) to the Complainant / Respondent throughout the process.

### PRINCIPLES

In handling complaints under this Policy, the principles of *natural justice* and *procedural fairness* will be observed.

**Natural Justice** involves:

- Acknowledging and respecting that a complainant is entitled to raise a complaint/s in good faith
- Complaints handling procedures being accessible, promoted within the School and applied consistently and fairly to all those to whom these procedures apply
- Both complainant and respondent having the capacity to seek advice, have a support person and/or be represented throughout the process
- Sufficient particulars of the allegation/s made, or relevant information relied upon to support the allegations being provided to enable the respondent to respond
- Both complainant and respondent being given a reasonable time to prepare and submit a response to allegations made or information provided
- Genuine consideration must be given to all information (including the respondent's response) prior to any decision being made.

**Procedural Fairness** is concerned with the procedures used during an investigation and/or by a decision-maker, rather than the actual outcome. It requires a fair and proper procedure to be used when conducting an investigation and/or making a decision. A process that delivers procedural fairness requires a demonstration of transparency, equity in examination of evidence and freedom from bias, perceived or otherwise, in the decision-making process.

### POLICY STATEMENT

St John's Lutheran School acknowledges that 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, St John's Lutheran School has expectations that must also be taken into account.

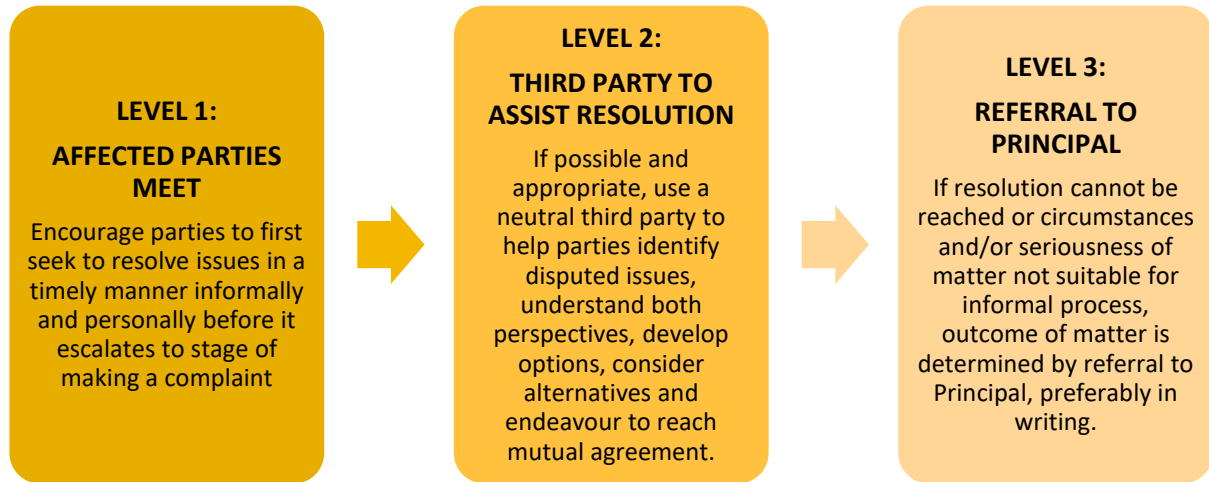
This policy establishes an effective and consistently applied framework for the management of complaints so that St John's Lutheran School can demonstrate continuous quality improvement.

Those involved in the management of complaints at St John's Lutheran School:

- Acknowledge and respect that employees, parents and students are entitled to raise a complaint in good faith
- Consider the safety and welfare of all the parties involved where appropriate
- 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 (outlined above in Scope)
- Have a commitment to ensuring complaints are dealt with sensitively and without undue delay
- Subject to the affording of natural justice and procedural fairness, maintain confidentiality of the process to protect its integrity and the welfare of all parties involved at all times, and
- Act in good faith, exercise good judgment, focus on the issues not the person (impartial) and communicate in a courteous, and respectful manner.

## COMPLAINT MANAGEMENT MODEL

The complaint procedure consists of a three (3) level process:



A complaint may be resolved at any stage of this process. The objective of the St John's Lutheran School complaints process is to promote the prompt resolution of a complaint at the lowest level possible by cooperation, consultation and discussion.

## PROCEDURES

The St John's Lutheran School recognises that often complaints are simple misunderstandings that are easily resolved via effective communication.

In the event of a complaint, an employee, parent, student or other St John's Lutheran School community member (complainant) may seek resolution through the following steps below.

### 1 Complaints Management Process

#### 1.1 Level 1: Affected Parties Meet (Informal Discussions)

If possible and appropriate, 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.

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.

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.

Notes should be kept of any informal discussions as well as any agreed outcome and should be held by the parties.

If the complaint cannot be resolved satisfactorily within a mutually acceptable timeframe, or the seriousness of the matter is not suitable for resolution informally, the complainant may process to Level 2.

#### 1.2 Level 2: Third Party to Assist Resolution

If possible and appropriate, 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.

## ST JOHN'S LUTHERAN SCHOOL, KINGARROY

A complainant may refer the complaint to a staff member's immediate supervisor who shall consult with the parties and attempt to facilitate resolution of the complaint by negotiation. However, if the supervisor is the source of the complaint, the complainant shall refer the matter to any other member of St John's Lutheran School Leadership Team, namely Assistant to the Principal to facilitate the negotiation.

The complainant and/or respondent may have a support person present during the assisted discussion.

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.

The neutral third party should keep notes of any agreed outcome or, if final agreement is not reached, the areas of agreement and disagreement that exist between the parties as identified and agreed to by the parties. A copy of the agreed notes should be provided to the parties by the neutral third party.

If the complaint cannot be resolved satisfactorily at this level, within a mutually acceptable timeframe, or the seriousness of the matter warrants, the complainant may proceed to Level 3.

### **1.3 Level 3: Referral to Principal (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 at Level 1 and Level 2, or the seriousness of the matter is not suitable for third party assisted resolution and/or clearly requires a formal process to be implemented with the Principal.

At this level, the complainant refers their complaint formally, preferably in writing, to the Principal (or Principal's delegate) for resolution. Complaints in writing may be handed into the school office marked "confidential", or emailed to: [kbye@sjls.qld.edu.au](mailto:kbye@sjls.qld.edu.au)

However, if the complaint involves the Principal, it shall be referred to the Chair of St John's Lutheran School Council. Depending on the nature of the complaint, the complaint will be escalated to Council members by the Chair if required.

It is the aim of the complaint's management process that reference to the Principal (or Principal's delegate) will resolve most, if not all, complaints. However, if the complaint is still not resolved at this level, then the complainant may properly refer a matter to the Chair of St John's Lutheran School Council. Complaints in writing may be handed into the school office addressed to "Chair of School Council" and marked "confidential", or emailed to: [chair@sjls.qld.edu.au](mailto:chair@sjls.qld.edu.au)

## **2 Complaints Resolution Process**

St John's Lutheran School will ensure that complaints are dealt with efficiently and effectively and investigations (where deemed appropriate by the Principal or Chair of School Council) will be conducted thoroughly, with care, fairness, objectivity, timeliness and sensitivity to the privacy of individuals.

The steps involved in the complaint resolution process include:

1. Acknowledge all complaints promptly
2. Assess the complaint once sufficient information has been obtained, and give it priority
3. Plan the investigation (where appropriate)

## ST JOHN'S LUTHERAN SCHOOL, KINGARROY

4. Investigate the complaint and an appropriate procedural response
5. Respond to the complainant with a clear decision
6. Follow up any concerns
7. Consider if there are any systemic issues.

\* Straightforward complaints will often be resolved without going through steps 3 and 4.

St John's Lutheran School will aim to resolve all complaints in a timely manner and as quickly as possible, generally within 10 working days of receipt. However, the timeframe for resolution of a complaint will depend on the complexity, nature and scope of the complaint.

The Principal is to be informed of all complaints.

St John's Lutheran School will involve the complainant and the respondent (as is appropriate) in the resolution of the complaint, making sure they are given an opportunity to have their views heard and considered in a fair and impartial manner.

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 entitled to know the nature of the allegation being made and who has made the allegation against them.

### 2.1 Outcome

In the case of a respondent, 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 2020* (as amended or replaced from time to time).

In the case of a complainant: Assistance should also be provided for the Complainant, where appropriate, 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) Provision of appropriate training.

## 3 Employees

During discussions, an employee is entitled to have their union representative or other support person present.

While the complaints process is being followed, normal work is to continue where appropriate.

For all parties, it is advised to make diary notes of dates and discussions.

Employees may refer to the *Complaints Handling Policy and Procedures* found at Annexure C in the *Queensland Lutheran Schools Single Enterprise Agreement 2020* for the complete policy. The St John's Lutheran School Complaints Handling Policy is based on a summary of this complete policy.

## 4 Parents

During discussions, an individual is entitled to have a support person present.

## 5 Students

During discussions, a student is entitled to have a support person present. If a student escalates a complaint to Level 2 of the Complaints Process, parents may be advised.

## 6 Senior Staff and the Principal

A senior staff member/ Principal is entitled to have a support person present during discussions.

If a member of Senior Staff or the Principal is unable to resolve the issue, they are to advise the complainant to take the complaint to the next step of the process.

The Principal (or delegate) should advise the parties directly concerned, in writing, at Level 3, of:

1. The decision taken by St John's Lutheran School
2. A summary of the reasons for the decision made
3. What and when follow up action, if any, is to be taken.

## 7 Victimisation/ Adverse Action

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. Victimisation occurs when a person is treated less favourably or is aggrieved in some way because they have chosen to take certain actions, such as a legal claim against a respondent.

## 8 Vexatious Complaints

St John's Lutheran School acknowledges that complainants are entitled to raise a complaint in good faith. A *good faith* complaint is a complaint submitted by a complainant who has honest belief based on reasonable grounds.

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 or other appropriate sanction may result if warranted.

## 9 Confidentiality

St John's Lutheran School is committed to the confidentiality of all complaints, at all stages through the complaints handling process, with all material associated with a complaint to be handled responsibly and securely stored to prevent unauthorised access.

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. The School considers any breach of confidentiality a serious issue worthy of disciplinary action or other appropriate sanction if warranted.

While confidentiality is important, there may be circumstances in which it is not possible to uphold a person's right to confidentiality, such as a matter of procedural fairness, or as required under certain legal requirements and/or to ensure the safety or welfare of others. As such, complainants cannot be guaranteed anonymity with respect to their complaint.

## 10 Recording of Complaints

Formal complaints will be recorded in a confidential electronic *Complaints Register*, which is accessible only to authorised staff. The *Complaints Register* will track and manage all formal complaints received, with information recorded including:

- Actions taken to address the complaint;
- Who is responsible for actions and approving;
- The outcome of the complaint;

- Any follow up action required.

## 11 Monitoring Complaints Data

The Senior Leadership Team is responsible for monitoring and reviewing complaints data to identify and manage any trends and to plan any system improvements that may be required as a result. Complaint data can be analysed in the *Complaints Register*.

The Leadership Team, through the Principal, will provide a written report to the School Council which will outline recommended changes or modifications to procedures arising from actions taken in response to complaints. This will form part of the continuous improvement process at the school.

The Leadership Team is responsible for regularly monitoring the effectiveness of the complaints system. The type, number and outcome of complaints will be reviewed to inform the fair, transparent and responsive delivery of the complaints system.