



# DOWNLANDS COLLEGE COMPLAINTS HANDLING PROCEDURE

## 1. Introduction

### 1.1 Purpose of a Complaints Procedure

Downlands College is committed to providing a safe and supportive work and learning environment for all employees and students. We acknowledge that employees, students and parents can sometimes feel aggrieved about something that is happening at the College which appears to be discriminatory, constitute harassment or cause concern.

An employee, student, parent or community member can have a complaint about any decision, behaviour, act or omission (whether by the Principal, members of the leadership team or other staff/students) that they feel is discriminatory or unreasonable.

Sometimes the aggrieved person can address the issue by raising the complaint directly with the person involved with the issue. However that is not always possible, and sometimes several attempts at local or face-to-face resolution have been attempted or have taken place with little success. Whilst most issues can be resolved through direct discussion with the parties, there may be instances in which to take up the issue with the other person on a face-to-face basis is not possible.

### 1.2 Examples of complaints covered by this procedure include:

- issues related to student discipline procedures
- issues related to teaching and learning
- damage/loss of personal property
- issues related to student protection procedures
- bullying and harassment

### 1.3 In conjunction with this complaints procedure, note should be taken of relevant legislation, guidelines, *policies* and *procedures* pertinent to the issue, including for instance:

- Work Health and Safety issues
- Student Protection issues
- Enrolment Policy and Procedures*
- Downlands Student Level System*
- Downlands College Code of Conduct (Staff)*

### 1.4 Making a complaint

#### Before making a formal complaint.

If a problem or concern that arises within a College cannot be resolved with the person involved with the issue, then it would normally be raised with an appropriate staff member (Year Leader, Curriculum Leader, Team Leader, Head of Boarding, Deputy Principal) with a view to discussing the issue and seeking resolution of such problems or concerns.

Parents are ill advised to approach the children of other families with a College related complaint. This is often a sensitive area and in order to protect all the parties it is advisable to work through the relevant teacher or member of the College leadership.

**1.4.1** Some complaints, because of the seriousness of their nature, should be referred immediately to the Principal – e.g. complaints about behaviour which places others at risk of serious harm.

### **1.4.2 Making a formal complaint**

If the above process of raising the concern, obtaining the facts, and obtaining resolution is not producing a satisfactory outcome, the following procedure can be used.

The purpose of this procedure is to offer a process by which employees/students/parents/community members can have complaints addressed. For example, if you feel that you are being harassed or discriminated against, this complaints handling procedure is available to you so your concerns can be dealt with in an appropriate manner.

Who may use this procedure?

- All employees
- Students within the College
- Parents of students at the College
- Members of the wider community

## **2. Key elements of our complaints handling procedure**

### **2.1 Impartiality and procedural fairness**

If you make a complaint, it will be investigated in a fair and impartial manner. No judgements or assumptions will be made, and no action will be taken until the investigation is complete. If a complaint is made against you, your rights will be protected and you will be given an opportunity to tell your side of the story.

### **2.2 Confidentiality**

You can feel secure that if you do make a complaint under this procedure it will remain confidential. The only people who will have access to information about the complaint will be the person making the complaint, the person to whom the complaint is made, the person investigating, the College Principal and relevant persons who may be involved. The person about whom the complaint is made also has a right to be informed.

### **2.3 No victimisation**

You can also rest assured that if you make a complaint you will not suffer in any way as a consequence. The Principal will ensure that a person who makes a complaint is not victimised in any way.

### **2.4 Vexatious or malicious complaints**

There is an underlying assumption that complaints are made in good faith (and with good will) and with an intention for resolution as opposed to retribution.

### **2.5 Timeliness**

Each complaint will be addressed within an appropriate period of time as possible. Complainants will be advised if the matter cannot be addressed within one month e.g. Mandatory Reporting.

### **3. What to do if you have a complaint**

#### **3.1 Approach the person involved**

In many situations, the most appropriate thing to do first is to tell the person who is the cause of the complaint how you feel. If the complaint is about their behaviour, tell them that it is offensive/hurtful/not acceptable. If it is about a work decision, tell them why you think it is discriminatory, harassment or unreasonable. Telling the person will give them a chance to stop or change what they are doing or explain what they had decided and why.

#### **3.2 Contact the College**

Where you feel you cannot approach the person directly or you are not happy with their response or reaction, then you can explain the problem to the appropriate person at the College. An inquiry at the College reception may be the first point of contact for people with complaints. You will be advised as to the person designated to deal with the nature of the complaint. This person may be a Year Leader, Curriculum Leader, Team Leader or the Assistant Principal, Deputy Principal or Principal. The designated person will advise you about what your options are and what will happen if you make a formal complaint.

#### **3.3 Contact Downlands College Board Chairperson or MSC Provincial**

Where you feel you cannot approach the person directly or you are not happy with their response or reaction, and you have a good reason not to raise the issue either with the College designated person or the College Principal, then you can contact the Downlands College Board Chairperson or MSC Provincial and explain the problem and issues. The Downlands College Board Chairperson or MSC Provincial will discuss with you raising your concerns at the College level. The Downlands College Board Chairperson or MSC Provincial can also advise you about your options.

Please note that if the Downlands College Board Chairperson or MSC Provincial forms the view that your complaint is more appropriately dealt with at the College level, then you will be advised of that and the College will be advised as well. Where students and parents make complaints these will automatically be referred back to the College unless the complaint is against a decision of or about the Principal and has previously been raised with the Principal without resolution.

### **4. What happens next?**

**4.1** Once you have made the complaint to a person at the College, that person will then consider whether there are any reasons why he/she should proceed to deal with the complaint. For example, the person you complained about may be a personal friend. If there is such a reason which indicates it is inappropriate for the designated person to deal with your complaint, it will, with your consent, be referred to another appropriate person.

**4.2** The designated person will then interview you or organise another appropriate person to interview you. During this interview a number of things will be explained to you, such as what will happen if the complaint is found to be supported by the evidence, or if it is found to be not supported by the evidence. You will also be told where you can go for assistance if you are not happy with the way the College is dealing with the complaint. The designated person will then take a written record of the complaint.

**4.3** The designated person will then speak to the person about whom the complaint is made to hear their side of the story. Any witnesses will also be interviewed. These interviews will be conducted separately and impartially. Written reports about the complaint may be requested. The importance of confidentiality will be stressed to all parties and they will be warned of the consequences if there is a breach of confidentiality (e.g. possible defamation action, initiation of a complaint for harassment).

- 4.4** The designated person will then tell you what the other people said and discuss what should be done to sort out the problem. You should tell the person what action you would like taken, e.g. a written apology from the person etc. This allows the designated person to understand, from your perspective, what you believe you need from the process. It will not dictate the remedy that might ultimately apply.

## **5. Review**

If the complaint remains unresolved it will be reviewed by either the Principal or Principal's delegate. They will make a final decision as to the outcome of the complaint.

Note that this review step will only be possible if the Principal or Principal's delegate has not been acting as the designated person.

## **6. Possible outcomes**

- 6.1** If the complaint is upheld or sustained, the following are possible outcomes depending on the nature of the complaint:
- An agreement between the parties
  - A verbal apology
  - A written apology

Where staff members are the subject of a complaint, action taken may be as stated in Downlands Code of Conduct. Where students are the subject of a complaint, action taken may be as stated in the Downlands College Student Level System.

- 6.2** If a complaint is not upheld or not substantiated (e.g. there is insufficient evidence) but some issues come out of the investigation that are required to be addressed then, possible outcomes include:
- Relevant training for employees and/or students; and/or
  - Monitoring of the behaviour of employees and/or students
  - Counselling for the aggrieved person
  - Mediation at the local level.
- 6.3** If the complaint is proved not to have happened at all, or if there is evidence the complaint was made with the main purpose or intent of causing distress to the other named as the source of the grievance, the following are possible outcomes:
- Counselling for the person who made the complaint
  - A written apology from the person who made the complaint
  - An official warning
  - Referral for disciplinary action for students and staff

The relevant designated person will make sure that whatever outcome is decided upon actually happens. The designated person or the College Principal (unless they are the object of the complaint or grievance) will also assess the effectiveness of the outcome from time to time.

## **7. Appeals**

There are three avenues of appeal if you feel that the complaints procedure has not been followed properly, or that the outcome is unacceptable to you.

### **7.1 Appeals at College level**

- To the Principal if the Principal has not been involved in investigating or examining the complaints, or is not the person named as the source of the grievance

#### ***The appeal will consider:***

- The way the complaint was handled and examines the outcome. If he/she believes it was handled properly and that the outcome was appropriate he/she will take no further action
- If he/she thinks that the complaint was not handled properly, or that the outcome was inappropriate, he/she will organise for the complaint to be looked at again

### **7.2 Appeals to the Downlands College Board or MSC Provincial**

- The Downlands College Board Chairperson or MSC Provincial if the Principal has been involved.

### **7.3 To an external agency**

If you are not happy with the way your complaint has been dealt with by the College, you may wish to go to an external agency for further advice and assistance. You may take your complaint to the external agency at any stage in the procedure if you are unhappy with progress in dealing with your complaint. The agencies that would most likely have jurisdiction are:

- Human Rights and Equal Opportunity Commission (Federal)
- Anti Discrimination Commission Queensland

## **8. Student Protection Policy and Procedures**

The Student Protection Policy and Procedures Manual is intended to provide processes and information to foster the attitudes and action that will ensure that all students at Downlands College experience appropriate care and protection. Implementation of these processes will assist in fulfilling the duty of care Downlands College has in this area and any obligations owed in law.

This document provides processes on how to deal with allegations of physical, sexual, psychological or emotional inappropriate behaviour and harm or risk of harm to children/students at Downlands College

In particular this document sets out the processes for:

- The mandatory reporting of sexual abuse or suspected sexual abuse of a student by another person in compliance with section 366 of the Education (General Provisions) Act 2006 (a Category 1 section 366 report);
- the mandatory reporting of a reasonable suspicion that a child has suffered, is suffering, or is at an unacceptable risk of suffering, significant harm where there may not be a parent willing and able to protect the child from harm ( a “reportable suspicion”) under section 13E of the Child Protection Act 1999 (a Category 1 mandatory report)
- The response to other forms of harm in compliance with section 10 of the Education (Accreditation of Non-State Schools) Regulation 2001
- The reporting of inappropriate behaviour - professional misconduct (a Category 2 report); and
- The reporting of inappropriate behaviour -minor incidents (a Category 3 report).

The processes in this document are to be used in conjunction with other Downlands College policies and guidelines/processes where applicable.

## **9. Record Keeping**

Records of complaints, interviews and other documentation relating to a complaint are kept at the College (where dealt with at College level) in a separate complaints file. If the complaint is about a person, documents are placed in a restricted access file. If there are considered to be serious ongoing management or care issues relating to a complaint, there will need to be a cross-reference to the restricted file on the staff member or student file.

## **10. Designated Persons for Complaints**

### **10.1 At the College**

The College will nominate the designated person/s responsible for dealing with complaints in specific areas of College activity. When this occurs it should be clearly communicated to staff, parents and students, as relevant. A designated person will generally be a Year Leader, Deputy Principal or Principal. If you are uncertain about who is the designated person for a specific issue, then contact the College office for this information.

### **10.2 Downlands College Board Chairperson or MSC Provincial**

- The Downlands College Board Chairperson or MSC Provincial will designate person(s) to review the complaint if the complaint has been made about the College Principal.



# DOWNLANDS COLLEGE

## ISSUE OF CONCERN OR GRIEVANCE

### FORM

#### YOUR DETAILS

SURNAME: \_\_\_\_\_ GIVEN NAMES: \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY: \_\_\_\_\_ POSTCODE: \_\_\_\_\_  
HOME PHONE: \_\_\_\_\_ MOBILE: \_\_\_\_\_

#### WHAT IS YOUR ROLE IN THE COLLEGE

- |                                       |                                       |
|---------------------------------------|---------------------------------------|
| <input type="checkbox"/> STUDENT      | <input type="checkbox"/> PARENT/CARER |
| <input type="checkbox"/> STAFF MEMBER | <input type="checkbox"/> OTHER _____  |

#### HAVE YOU DISCUSSED THIS MATTER WITH A DESIGNATED STAFF MEMBER?

- |                              |                             |
|------------------------------|-----------------------------|
| <input type="checkbox"/> YES | <input type="checkbox"/> NO |
|------------------------------|-----------------------------|

If YES: When: \_\_\_\_\_ Who: \_\_\_\_\_

What was the result? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### PLEASE PROVIDE DETAILS OF ISSUE OF CONCERN OR GRIEVANCE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**Privacy Notice:** The information provided on this form will be used by the College to follow up your Concern or Grievance. The information may be provided by the College to the MSC Provincial Office, who monitor the services provided by the College or to the police for law enforcement purposes. The provision of this information is voluntary and it will be stored securely.