

Attachment 3.1C

## Complaints Handling Policy & Procedure

<b>Purpose:</b>	The purpose of this policy is to ensure that student, parent and employee complaints and disputes are dealt with in a responsive, efficient, effective and fair way.	
<b>Scope:</b>	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>Status:</b>	Approved	<b>Supersedes:</b> Nil
<b>Authorised by:</b>	Board Chair	<b>Date of Authorisation:</b> 01/09/2020
<b>References:</b>	<ul style="list-style-type: none"> <li>• <u>Education (Accreditation of Non-State Schools) Regulations 2017</u></li> <li>• <u>Australian Education Regulations 2013</u></li> <li>• <u>Fair Work Act 2009</u></li> <li>• <u>Work Health and Safety Act 2011 (Qld)</u></li> <li>• <u>Privacy Act 1988 (Cth)</u></li> <li>• <u>Anti-Discrimination Act 1991 (Qld)</u></li> <li>• <u>Australian Human Rights Commission Act 1986 (Cth)</u></li> <li>• <u>Sex Discrimination Act 1984 (Cth)</u></li> <li>• <u>Age Discrimination Act 2004 (Cth)</u></li> <li>• <u>Disability Discrimination Act 1992 (Cth)</u></li> <li>• <u>Racial Discrimination Act 1975 (Cth)</u></li> <li>• MOB Academy Complaints Handling Procedure</li> <li>• MOB Academy Work, Health and Safety Policy</li> <li>• MOB Academy Anti-Discrimination Policy</li> <li>• MOB Academy Disability Discrimination Policy</li> <li>• MOB Academy Anti-Bullying Policy</li> <li>• MOB Academy Privacy Policy &amp; Collection Notice Statements</li> </ul>	
<b>Review Date:</b>	Annually	<b>Next Review Date:</b> 01/09/2021
<b>Policy Owner:</b>	School Governing Body	

Attachment 3.1C

## Policy Statement

MOB Academy is committed to ensuring that students, parents and employee's complaints are dealt with in a responsive, efficient, and effective and fair way.

MOB Academy views complaints as part of an important feedback and accountability process.

MOB Academy acknowledges the right of students, parents and employees to complain when dissatisfied with an action, inaction or decision of the school and the school encourages constructive criticism and complaints.

MOB Academy recognises that time spent on handling complaints can be an investment in better service to students, parents and employees.

## Complaints that may be Resolved under this Policy

MOB Academy encourages students, parents and employees to lodge promptly any concerns regarding sexual harassment, child protection, discrimination, bullying and privacy breaches as well as more general complaints that include areas such as:

- the school, its employees or students having done something wrong
- the school, its employees or students having failed to do something they should have done
- the school, its employees or students having acted unfairly or impolitely
- issues of student or employee behaviour that are contrary to the relevant code of conduct
- issues related to learning programs, assessment and reporting of student learning
- issues related to communication with students or parents or between employees
- issues related to school fees and payments
- general administrative issues.

Student complaints may be brought by students or by parents on behalf of their children, as appropriate in the circumstances.

## Attachment 3.1C

### Issues Outside this Policy

The following matters are outside the scope of this policy and should be managed as follows:

- Child protection concerns or risks of harm to children should be dealt with in accordance with the law and the school's Child Protection Policy.
- Student bullying complaints should be dealt with under the Positive Behaviour Policy.
- Student discipline matters, including matters involving suspension or expulsion, should be dealt with under the Positive Behaviour Policy.
- Employee complaints related to their employment should be directed to their supervisor.
- Student or employee violence or criminal matters should be directed to the CEO/Principal who will involve the Police as appropriate.
- Formal legal proceedings.

### Complaints Handling Principles

MOB Academy is committed to managing complaints according to the following principles:

- complaints will be resolved with as little formality and disruption as possible
- complaints will be taken seriously
- anonymous complaints will be treated on their merit's complaints will be dealt with fairly and objectively and in a timely manner
- MOB Academy will determine the appropriate person to deal with the complaint in the first instance. Complaints should be resolved with as little formality and disputation as possible
- mediation, negotiation and informal resolution are optional alternatives
- procedural fairness will be ensured wherever practicable, including the right of interested parties to the complaint to be heard
- confidentiality and privacy will be maintained as much as possible
- all parties to the complaints will be appropriately supported
- MOB Academy will give reasonable progress updates
- appropriate remedies will be offered and implemented
- provide a review pathway for parties to the complaint if warranted
- complainants, respondents and people associated with them will not be victimised as a result of lodging the complaints and they will not suffer any other reprisals
- the school will keep records of complaints

**[www.menofbusiness.com.au](http://www.menofbusiness.com.au)**

### Attachment 3.1C

- the school's insurer will be informed if a complaint could be connected to an insured risk.

### Responsibilities

#### School

The school has the following role and responsibilities:

- develop, implement, promote and act in accordance with the school's Complaints Handling Policy and procedures
- appropriately communicate the school's Complaints Handling Policy and procedures to students, parents and employees
- ensure that the Complaints Handling Procedures are readily accessible by staff, students and parents
- upon receipt of a complaint, manage the complaint in accordance with the Complaints Handling Procedures
- ensure that appropriate support is provided to all parties to a complaint
- take appropriate action to prevent victimisation or action in reprisal against the complainant, respondent or any person associated with them
- appropriately implement remedies
- appropriately train relevant employees
- keep records
- conduct a review/audit of the Complaints Register from time to time
- monitor and report to the governing body on complaints
- report to the school's insurer when that is relevant
- refer to the school's governing body immediately any claim for legal redress.

### All Parties to a Dispute

The complainant and respondent both have the following role and responsibilities:

- apply and comply with the school's Complaints Handling Policy and procedures
- lodge the complaint as soon as possible after the issue arises
- expect that the complaint will be dealt with fairly and objectively; in a timely manner; with procedural fairness wherever practicable; that confidentiality and privacy will be maintained as much as possible
- provide complete and factual information in a timely manner
- not provide deliberately false or misleading information
- not make frivolous or vexatious complaints

**[www.menofbusiness.com.au](http://www.menofbusiness.com.au)**

### Attachment 3.1C

- act in good faith, and in a calm and courteous manner
- act in a non-threatening manner
- to be appropriately supported
- acknowledge that a common goal is to achieve an outcome acceptable to all parties
- recognise that all parties have rights and responsibilities which must be balanced
- maintain and respect the privacy and confidentiality of all parties
- not victimise or act in reprisal against any party to the dispute or any person associated with them.

### Employees Receiving Complaints

Employees receiving complaints have the following role and responsibilities:

- act in accordance with the school's Complaints Handling Policy and procedures
- inform the party lodging the complaint of how complaints can be lodged, when they should be lodged and what information is required
- provide the complainant with information about any support or assistance available to assist them in lodging their complaint
- provide the complainant with a copy of the school's Complaints Handling Policy and procedures
- maintain confidentiality
- keep appropriate records
- to forward complaints to more senior employees, including the Principal, as appropriate
- not victimise or act in reprisal against the complainant, respondent or any person associated with them.

## Complaints Handling Procedure

### All complaints need to be handled seriously

It is the policy of the MOB Academy that all complaints will be acknowledged immediately; or within five working days if the matter is complex. In more complex cases, parties will be kept informed about what is happening to their concern or complaint, and, if a more detailed response is needed, by what date it will be received. The issue should be dealt with as quickly as possible.

### Recording

The MOB Academy keeps a complaint register on a secure server:

It is important that you record the details of the complaint accurately as:

- it may become the cause of legal action in the future;
- patterns in the record may indicate a need for action; and
- the CEO/Principal should be able to check the log and report on it regularly to the Men of Business Board.

The log should contain the following information:

- date when the issue was raised
- name of parent
- name of pupil
- brief statement of issue
- location of detailed file
- member of staff handling the issue
- brief statement of outcome.

These files are confidential and are only to be accessed by members of school staff in the presence of Senior Management. The files should contain simple but clear notes of all conversations with parents about any source of dissatisfaction. This applies to friendly chats and to telephone conversations, as misunderstandings easily arise. There should be a clear statement of what is concerning the complainant/s. The notes can be agreed with parents.

**[www.menofbusiness.com.au](http://www.menofbusiness.com.au)**

Attachment 3.1C

### **Confidentiality**

Confidentiality is an important issue for students, parents and staff. It is essential that any complaint is treated in a confidential manner and with respect.

Parents often seek an assurance of confidentiality before expressing their concerns. If, for example, they wish to discuss a member of staff, they may fear that their child will suffer in some way because they have complained.

It should be made clear to all concerned that it is the MOB Academy's policy that complaints made by parents should not rebound adversely on their children and similarly that complaints raised by students should not rebound on them or on other students.

The question of confidentiality should be discussed sensitively and on an individual basis with the parents and the school's policy should be carefully explained.

It may be possible to deal with a problem without naming individuals. However, even if no names are given, the source of the complaint may be clear. Depending on the nature of the complaint and on the circumstances, it may be impractical to investigate without identifying the member of staff or the child – it may also be in the interest of the child to do so.

Members of staff are rightly concerned that they should know about complaints that might be damaging to their reputation. Such complaints will be known only to themselves and to those who must be consulted. The MOB Academy will provide support for staff against whom a complaint is made, upon request; this will be provided by a colleague who is not otherwise involved.

If there is a situation involving the police, the CEO/Principal, will take responsibility for action and the MOB Academy Governing Body Chairperson will be informed as soon as possible.

### **Anonymous Complaints**

Anonymous complaints may be where there is no indication of either name or address, or where the complainants say that they do not wish to be identified. They may come from members of the public, from parents or from students.

**[www.menofbusiness.com.au](http://www.menofbusiness.com.au)**

### Attachment 3.1C

Complaints from the public about the behaviour of a group of students will be dealt with on a general basis, with reminders to all about the Academy's expectations.

Parents and students should be encouraged to give their names and should be given reassurance on the issue of confidentiality. If they persist in wishing to remain anonymous, it is at the CEO/Principal's discretion as to what action, if any, should be taken, depending on the nature of the complaint.

Anonymous complaints will be recorded.

***Anonymous allegations about child abuse should be dealt with as outlined in the MOB Academy's Child Protection Policy.***

Parents and students may be satisfied the situation has been resolved by any of the following:

- knowing that changes have been made, and that matters will be different in future
- knowing that the school is now alert to a possible problem
- feeling that their concern has been considered seriously
- an outcome which may be different from the one they sought, but which they perceive to be well considered
- a considered letter
- an apology.

In all cases where time has been needed to investigate a complaint, parents will receive a report in writing which covers:

- the issues raised
- how the issues were considered
- the people consulted
- the action that is to be taken
- an apology, if appropriate.



## Attachment 3.1C

### **Lodging a Complaint**

A formal complaint must be lodged in writing or via email and can be discussed by contacting MOB Academy and arranging an appointment with the CEO/Principal. Please include detailed information relating to the complaint so further investigation can be carried out. It's best to include, names, times, location, people involved, specific concerns and how the complaint may be resolved.

Complaints can be sent to:

CEO/Principal, MOB Academy, 5 Nerang St, Southport Qld 4215

### **Complaint Referral**

The first point of contact for Complaint Handling will be the CEO/Principal and the complaint will be relayed to the appropriate staff i.e. Campus Manager etc.

If the complaint relates to one of the above parties this should be discussed in the initial contact and the complaint should be addressed to the next relevant Senior Position.

### **Referral to the Chair of the Men of Business Academy Board**

In most cases, the procedure will be that the CEO/Principal refers the matter to the Chair of the Board and informs the parents that this stage has been reached. However, a situation may arise where the complaint seems to the parent to have been mishandled by a Senior Manager. In those circumstances, the parent should be able to write direct to the Chair of the Board. The Chair of the Board will discuss the matter fully with the Principal and be provided with relevant documentation. If a briefing is required from a member of staff, this will occur in the presence of the CEO/Principal.

The Chair will respond to the parents, notifying them that he/she is reviewing the matter, asking them if they wish to add anything further and providing a date by which they may expect a response.

The Chair may be able to offer a new approach to the matter, and this may satisfy the parents. The Chair's response will be clear and detailed and will offer a meeting if the parents remain troubled.

**[www.menofbusiness.com.au](http://www.menofbusiness.com.au)**

## Attachment 3.1C

### Meeting with the Chair of the Board

If a meeting is requested, the Chair of the Board will offer to meet the parents at a time convenient to them. Those involved are:

- the Chair of the Board
- the CEO/Principal and, at the most, one other member of staff
- the complainants

Complainants are encouraged to bring with them a supportive friend who is not involved with the complaint. Legal representation is not appropriate at this stage. The Chair of the Board, after questioning and listening to the complainants and the CEO/Principal, may be able to find a solution. If this is not possible, and the parents wish to take the matter further, the Chair of the Board could consider seeking the advice of an independent arbitrator.

### Referral to a Conciliation Committee

The MOB Academy may establish a Conciliation Committee if resolution by the CEO/Principal and the Chair of the Board has failed. The Conciliation Committee is composed of a convener, independent of the Academy, and up to four other members, two of whom will be members of the Board (excluding the Chair). The Chair of the Board, in consultation with the CEO/Principal, decides when to refer a complaint to the Conciliation Committee, and invites the convener to call a meeting.

The Chair of the Board has no further involvement until the convener reports back at the end of the committee's deliberations. Meeting with the Conciliation Committee Those involved in the meeting are:

- up to five Committee members, including the convener;
- the CEO/Principal, and possibly a key member of staff; and
- the complainants, who are invited to bring a supportive friend, as for the meeting with the Chair of the Board

A sufficient amount of time is committed to the meeting, in case it is needed. The complainants and the CEO/Principal are asked in advance whether there are any papers they would like to have considered at the meeting, bearing in mind the need for all to keep the proceedings confidential. The papers are copied and distributed before the meeting. The convener will emphasise that he or she is concerned to reach a positive

**[www.menofbusiness.com.au](http://www.menofbusiness.com.au)**

### Attachment 3.1C

conclusion and will invite first the complainants, then the CEO/Principal to speak. After this, the convener encourages questions and general discussion.

If a positive solution is reached, the convener will summarise the outcome and confirm the nature of the agreement before the meeting disperses. The agreement will be recorded, copied and circulated as soon as possible. At the end of the Committee's deliberations, the convener will make a full report to the Chair of the Board and inform the complainants that this is being done. The Chair of the Board would be expected to endorse the Committee's decision.

### **Implementation**

MOB Academy is committed to raising awareness of the process for resolving complaints at the school, including by the development and implementation of this policy and related procedures, and via the clear support and promotion of the policy and procedures.

MOB Academy is also committed to appropriately training relevant employees (especially senior staff) on how to resolve complaints in line with this policy and the related procedures.

MOB Academy will keep appropriate records of complaints, will monitor complaints and their resolution and will report on a high-level basis to the school Board on complaint handling at the school.

MOB Academy will act to encourage students, parents and employees to contribute to a healthy school culture where complaints are resolved with as little formality and disruption as possible.