

Complaints Policy & Procedure

Updated November 2016

COMPLAINTS POLICY & PROCEDURE

POLICY OWNER: Headmaster

PURPOSE:

The following document outlines the policy and procedure of St Peter's College with regard to the handling of complaints.

SCOPE:

All students, parents, old scholars and other members of the School community are covered by this policy.

The School has a **Child Protection Policy** with a stated Code of Conduct and Reporting Process, a **Managing Child Abuse Allegations Policy and Procedure** and a **Sexual Harassment Policy**. These three existing policies, and their procedures, take precedence over the Complaints Policy at all times.

REFERENCES:

- The Sex Discrimination Act 1984 (Commonwealth)
- The Equal Opportunity Act 1984 (South Australia).
- St Peter's College Child Protection Policy
- St Peter's College Sexual Harassment Policy & Procedure
- St Peter's College Equal Opportunity & Anti-Discrimination Policy & Procedure

ALIGNMENT TO SCHOOL STRATEGIC PLAN:

Our Preferred Future – A Strategic Plan for St Peter's College 2015 - 2018 underpins this policy and procedure.

ALIGNMENT TO SCHOOL'S VISION & VALUES

Our vision is to be a world-class school where all boys flourish. Our core values underpin this policy and procedure:

- Building lifelong commitment to serve others.
- Building leadership capability.
- Celebrating the uniqueness of every boy.
- Celebrating accomplishment.
- Developing emotional maturity.
- Developing lifelong learning, engagement, meaning, and purpose.
- Embracing creative potential.
- Fostering honesty, integrity, and wellbeing.'
- Honouring diversity.
- Valuing teamwork, collaboration, and communication.
- Unlocking individual virtues and strengths.

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POLICY:

Complaints occur from time to time and the School is committed to achieving an effective resolution in a positive atmosphere. This policy and procedure sets out the process by which complaints can be addressed in a confidential, expeditious and sensitive way.

A positive resolution will most often arise where there is clear communication, an opportunity for all parties to express their views and be heard. As such, the School encourages parties to agree upon a method of resolution.

The School considers that accurate record-keeping during the process of hearing a complaint and respect for confidentiality of those involved are important elements in the complaints handling process.

The School expects that complaints will be handled in a respectful manner in the best interests of students of the School as a whole.

In particular, the School seeks to:

- act in partnership with parents and staff to deliver education and care to students of the highest quality;
- provide a working and learning environment that is safe, fair and just;
- actively promote the development of positive and respectful relationships and seeking to minimise the incidence of conflict that might otherwise give rise to a complaint;
- support the right of every person to have his or her complaint lodged, listened to, addressed fairly and dealt with as soon as possible;
- attempt to resolve complaints in a respectful and supportive way;
- meet its moral and legal obligations in the complaints handling process;
- maintain clear and timely communications and accurate record keeping;
- provide appropriate support for relevant staff to investigate and mediate on complaints.

Complaints and grievances may arise in a range of circumstances, including:

- behaviour by a member of the School community (staff, parent, volunteer or student) which may have an adverse impact upon another member of the School community - affecting the performance of their duties, work or studies at the School or otherwise affecting them personally;
- conflicts of interest and conflicts of duty;
- discriminatory or unprofessional behaviour or conduct;

GUIDING PRINCIPLES:

Date formally introduced: 2009

Date revised & reformatted: November 2012

Revision Approved by Senior Leadership Team

Date Approved: November 2012. Updated November 2016

Next Review: 2017

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- breaches of School policies.

Seeking early resolution

Many complaints may be minor in nature or readily resolved, and often arise from genuine misunderstandings and/or issues relating to inadequate communication. In the vast majority of cases, such complaints ought to be satisfactorily resolved quickly and informally by a meeting or telephone call held between the parties involved.

The School supports complainants, wherever possible and as soon as practicable after a matter becomes a concern, to seek to resolve a complaint in an informal and amicable manner. This is best done through direct communication / discussion by and between the parties themselves (i.e. parent and teacher).

The School expects that it should only be necessary for more formal procedures (as identified below) to be invoked when a matter is of very serious nature and/or cannot be resolved by the parties themselves through informal means.

PROCEDURE:

Complaints Procedure

The School has a formal process to deal with complaints that cannot be otherwise promptly resolved as set out above.

Lodging a Complaint - Principles

The following principles will apply to the lodging of a complaint:

1. The health, safety and wellbeing of all members of the School community remain the highest priority.
2. Any member of the School community who is aggrieved is entitled to lodge a complaint.
3. Complaints should be lodged in good faith and without frivolous, malicious or vexatious intent. (The School has the right to reject complaints which it deems to be frivolous, malicious or vexatious.)
4. The School aims to take all complaints seriously and to consider them promptly.
5. The School will affirm a complainant's right to complain and will not be discourage a person from making a complaint.
6. The School will make every reasonable effort to ensure a person lodging a complaint or a member of their family will not be treated unfairly or victimised because of the complaint they have made.
7. All resolution policies and processes acknowledge and value

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different perspectives and will operate under the principles of impartiality, promptness and protection from victimisation.

8. If appropriate, complainants will be notified that this policy does not remove their right to proceed to an external body or authority.
9. Each complaint is to be dealt with on its particular circumstances and merits and any settlements reached or determinations made through the resolution process will not necessarily constitute any binding precedent for future or similar cases.
10. In responding to a complaint, informally or formally, every reasonable effort shall be made to ensure that natural justice and procedural fairness are afforded to all parties. This means, in practical terms, that:
 - a. all parties are to be treated with respect and to be heard;
 - b. all parties should participate fully in the resolution process to achieve an outcome that is realistic and reasonable;
 - c. a person who is the subject of a complaint should be informed of the substance thereof and given a full opportunity to present their perspective;
 - d. all parties have a right to seek advice and support;
 - e. investigations and proceedings must be conducted fairly, thoroughly and without bias or undue delay;
 - f. parties should provide all relevant material, complete and factual information, documents or other evidence relating to the document.

Procedure

A complaint made by a parent, student or member of the School community, should be made in writing to any one of: the Deputy Headmaster & Head of Senior School, Head of Junior School, Director of Learning & Teaching Excellence, Director of Finance & Administration, Director of Wellbeing & Positive Education, Chief Advancement Officer or the Director of Human Resources.

A formal notice of complaint would typically be dealt with in the following manner:

Arrange meeting with complainant

1. Ensure that at least two members of the School staff are present at the meeting.
2. Discuss the complaint in a private office or like location within the School.
3. Allow the complainant to tell the whole story.

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4. Affirm the right to complain.
5. Acknowledge the complainant's concerns.
6. Take notes of each key point made by the complainant and seek the complainant's confirmation that the noted points represent an accurate record of the complaint.
7. Show empathy with the complainant's emotion, but reserve the right to request the complainant to be civil or terminate the interview in the event of any threatening behaviour.
8. Avoid immediate judgements or debate, or becoming defensive or angry in the early stages of discussion.
9. The complainant will be asked what he or she wishes to achieve in terms of resolution.
10. Discuss who might and/or should be informed about the complaint.
11. Focus on what is in the best interests of students of the School as a whole, having regard to any particular student(s) involved in the subject of the complaint.
12. Offer time for the complainant to reconsider.

Investigation

13. As soon as practicable after a formal complaint has been lodged, a process will be put in place by the School to investigate the complaint.
14. The investigative process in relation to a formal complaint will include but not necessarily be limited to: gathering relevant and material information relating to the complaint, further meetings convened of the parties to discuss the complaint and to seek a resolution.

Resolution or determination

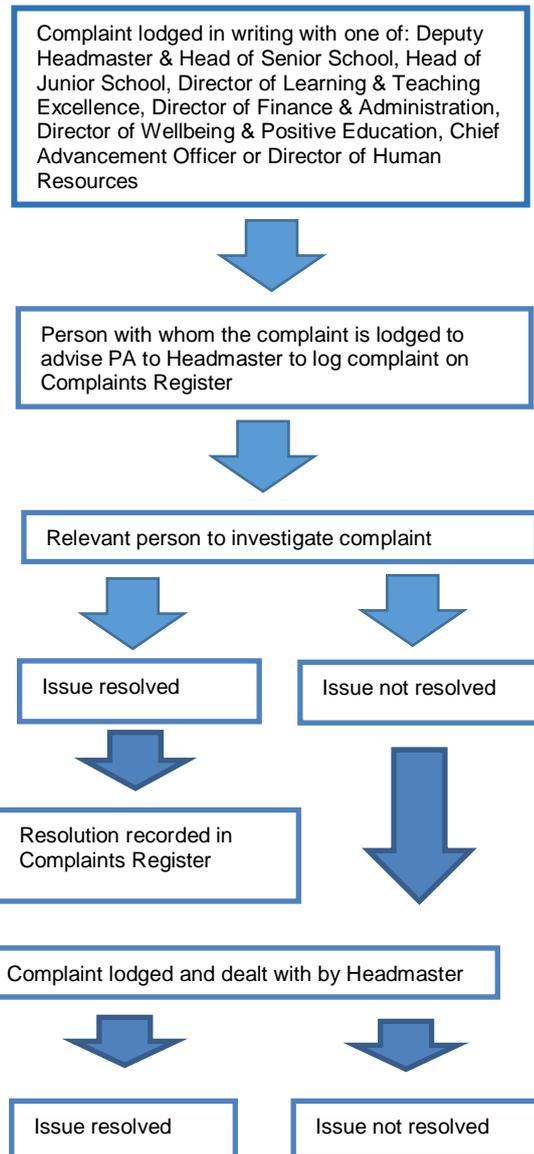
15. If a mutual resolution cannot be agreed, a determination will be made by the School, based on thorough investigation, as to whether or not to uphold the complaint.
16. If the complaint is substantiated, the evidence is inconclusive or if the complaint is found to not be substantiated, all parties will be formally advised accordingly, along with any follow-up counselling or other actions as the parties agree and/or the School deems appropriate and necessary in all the circumstances.

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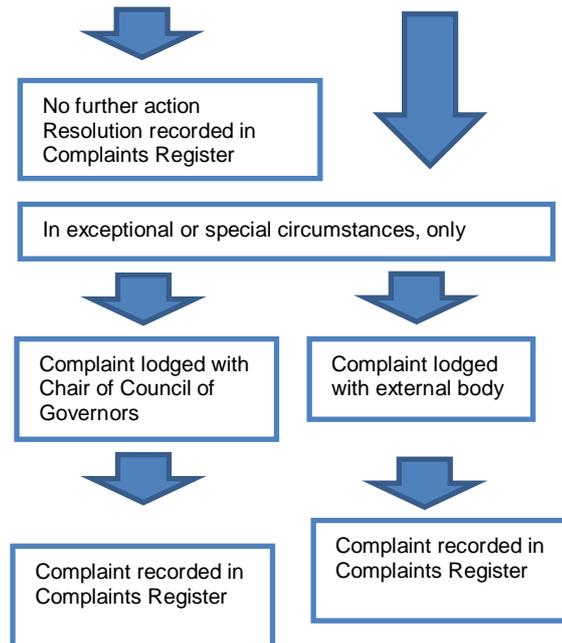
Escalation

17. If the complaint is not resolved by the person with whom it was lodged, the complainant may escalate their complaint to the Headmaster who will investigate and seek to resolve the complaint.
18. If the complaint is not resolved by the Headmaster, the complainant may lodge the complaint with the Chair of Council of Governors.
19. The Chair of Council will have discretion as to how to deal with the complaint, including referring it back to a member of the School staff.
20. Nothing in this policy and procedure prevents a complainant from lodging their complaint with an external body (as appropriate to the subject matter of the complaint).

FLOWCHART:



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Documentation / Record Keeping

While the detail and formality of record keeping may vary according to each issue, appropriate documentation should be maintained.

Records will need to be kept if further disputation occurs or in the case of future legal action. Details such as dates, names, contacts, statements, relevant files, staff involved and outcomes should be recorded in written form (including via electronic records)..

Accurate, appropriate and secure records will be kept at the School by the person(s) responsible for overseeing or managing the resolution process for a particular complaint.

A central Complaints Register, identifying the date the complaint was received, who received the complaint, what action was taken and what outcome was achieved will be kept and managed by the Headmaster's Personal Assistant.

Referral of a Complaint to the Council of Governors

The Headmaster will have make a final decision on all complaints, unless:

- the complaint directly concerns an allegation about the Headmaster's conduct – in which case the Chairman of the Council of Governors will determine appropriate procedures for handling the complaint;
- the Headmaster determines that due to the nature of the complaint (or complaints) the complaint should be referred to the Council of Governors for determination;

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- the complaint concerns an allegation of serious criminal conduct – in which case the Chairman of the Council of Governors must be informed as soon as practicable.

The Headmaster may consult with the Chairman of the Council of Governors regarding a complaint or complaints handling generally.

Anonymous Complaints

Complaints from an anonymous source will be taken seriously and investigated as soon as practicable. However, it is often difficult to undertake a thorough investigation and resolution if the complainant cannot be identified or does not want information to be passed to the relevant people. This raises issues in relation to procedural fairness for those who have a complaint made about them as they have a right to know the particulars of the complaint and to respond.

The School therefore cannot guarantee that anonymous complaints can or will be dealt with in accordance with these procedures. Complainants are therefore encouraged to identify themselves.

Confidentiality and Mandatory Reporting

The School will treat a complaint with respect and sensitivity. However, a complainant should not assume communications with the School, or any documents supplied to the School, will necessarily be kept confidential. Although the School will endeavour to deal with complaints with appropriate discretion, the School reserves the right to disclose details of the matter to other persons who, in the School's opinion, need to know them in order to facilitate the resolution of the complaint.

As far as possible, due discretion will be respected and maintained by all parties throughout the resolution process, save where the persons are required to be informed on a 'need to know' basis or where investigative, statutory or legal requirements stipulate that matters be disclosed, reported or discussed. Therefore, there can be no overriding legal obligation or right with respect to confidentiality.

Where complaints are made in circumstances where an alleged crime may have been committed or the matter falls under the Reporting Abuse and Neglect provisions, the Police or similar outside agencies (e.g. Child Abuse Report Line) will be contacted and formally advised.

Withdrawing a Complaint

A complaint can be withdrawn at any stage. If a complaint is withdrawn, the matter will be deemed to be closed. However, the complaint will still be recorded on the central Complaints Register and a notation will be made to the effect that it has been withdrawn.

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Referral to Outside Bodies

Where a complaint is not or cannot be resolved within the School, the parties may seek assistance from outside professional agencies or judicial bodies in order that a further attempt can be made to resolve the matter.

It should be noted that:

- The Association of Independent Schools of South Australia (AISSA) will not act as a mediator between parents and the School but if a matter remains unresolved, or parents feel that the School has failed to take their complaint seriously, AISSA may be able to provide general assistance to help parents understand the School's position.
- Neither the Minister for Education and Child Development nor the Department for Education and Child Development has any power to directly intervene in any complaints relating to the operations of a non-government school and therefore will not receive or consider any referral of a complaint regarding the School.

COMMUNICATION:

This document is available on the School's Information System – Keystone and on the School's website.

This policy, and any changes or updates, will be made available to all parents of the School.

POLICY HISTORY:

HISTORY	
Date Approved	Amendments made (summary of major changes)
2009	Revised & reformatted November 2012
	Updated August 2015 – alignment with St Peter's College Strategic Plan 2015 – 2018 Reference to St Peter's College Child Protection Policy
	Updated February 2016 – in accordance with AISSA Handling Complaints document.
	Updated May 2016 to include Serious Complaints Procedure flowchart.
	Updated November 2016 – further amendments made to procedure.