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## APPLICATION OF THIS POLICY

This policy will apply to all Anglican Schools in the Diocese of Brisbane, all employees of the school and all students of the school, their parents or guardians.

### 1. PURPOSE

The purpose of this Policy is to provide a school-based system for the management of complaints about educational and administrative issues made by employees and clergy of the school, all students of the school and parents or guardians, and all members of the community.

The Aim of this Policy is to:

- Provide an efficient, open, honest, transparent and accessible mechanism for addressing complaints, relevant to this policy, in accordance with the principles of natural justice;
- Ensure fairness towards both complainants and respondents is upheld throughout the Complaints Management process;
- Deal with complaints as swiftly and comprehensively as possible;
- Provide sufficient opportunity for any complaint to be fully discussed and addressed through dialogue and mutual understanding;
- Enhance the level of parent or guardian satisfaction with the school and the relationship of parents or guardians and students with teachers;
- Ensure the Complaints Management process is accessible;
- Ensure the complaints information is integrated into the school's continual improvement process.

### 2. EXCLUSIONS

This policy will not apply in the following circumstances where a complaint relates to:

- (a) the abuse of a school staff member or other person not enrolled at the school and is an allegation of sexual assault. Such complaint will be dealt with in accordance with the [Professional Standards Canon](#) which is available from the [Anglican Church Southern Queensland's website](#).
- (b) alleged workplace bullying, discrimination, physical assault, harm, harassment or sexual harassment. Such complaint will be made and dealt with in accordance with the [Administrative Guidelines for Discrimination, Sexual Harassment and Workplace Bullying](#) which is available from the [Anglican Schools Commission's website](#).
- (c) the abuse of an enrolled student under 18 years of age and is an allegation of sexual abuse or likely sexual abuse, significant harm or unacceptable risk of harm or inappropriate behaviour. Such complaint shall be made and dealt with in accordance with the [Student Protection in Anglican Schools Policy and Procedures](#) which is available from the [Anglican Schools Commission website](#).

### 3. COMPLAINTS RELATING TO NON COMPLIANCE OF STUDENT PROTECTION POLICY AND PROCEDURES

If the [Student Protection in Anglican Schools Policy and Procedures](#) is not followed then a complaint must be made to the Director of Professional Standards, Anglican Church Southern Queensland [dops@anglicanchurchsq.org.au](mailto:dops@anglicanchurchsq.org.au) or telephone 07 3835 2266.

## 4. SCHOOL POLICY

All Diocesan owned schools must adopt this complaints / grievance policy. The objectives of this policy are:

- Provide students, parent(s), guardian(s) and or school staff with the opportunity to access procedures to facilitate the making of and resolution of a dispute or complaint, including the process and circumstances for escalating through the school's complaints process.
- Make provision for an adequate records system to maintain all complaints and ensure that due process is followed.
- Provide and promote an approach responding to and investigating complaints that is:
  1. transparent;
  2. consistent;
  3. timely;
  4. responsible; and
  5. private and confidential.
- Ensure complaints are dealt with in a fair and confidential manner that:
  1. is absent of victimisation, discrimination or retribution;
  2. includes Natural Justice principles; and
  3. is independent of those handling the complaints process.

## 5. APPEALS

In the event that the person who made the complaint has a concern that the processes within this Complaints Management Policy and associated procedures have not been followed, then the person is able to make an appeal pursuant to the Complaints Management in Anglican Schools Procedures.

## 6. POLICY REVIEW

The Anglican Schools Commission will review this policy and associated procedures one (1) year from the effective date or as required.

## 7. REFERENCES & RELATED DOCUMENTS

### Relevant Legislation

- *Child Protection Act 1999*
- *Education (Accreditation of Non-State Schools) Regulation 2001*
- *Education (General Provisions) Act 2006*

### Related documents / references

- The Anglican Schools Commission's website
- *Administrative Guidelines for Discrimination, Sexual Harassment and Workplace Bullying*
- Anglican Church Southern Queensland's website.
- *Professional Standards Canon*
- *Student Protection in Anglican Schools Policy and Procedures*

## 8. DEFINITIONS AND KEY TERMS

See pages 4 - 6

## **PURPOSE OF THIS PROCEDURE**

This procedure supports the Complaints Management in Anglican Schools Policy as at the effective date and is to be read and applied in conjunction with the policy.

The purpose of the procedures is to provide guidance and direction to all Anglican schools in the implementation of written process and management practises for responding to a complaint applicable under the procedures. The procedures aim to ensure consistency in behaviour and practice across all Anglican schools.

## **1. RAISING A COMPLAINT APPLICABLE TO THIS POLICY**

### **1.1 To whom shall a complaint be made:**

In the first instance, if appropriate, every attempt should be made to discuss the matter with the person most immediately and directly concerned. This list is not exhaustive but includes e.g.:

- (a) Supervisor
- (b) Teacher
- (c) Principal
- (d) Chair of School Council / Board

### **1.2 Complaints concerning a student's teacher:**

1.2.1 If a Complaint relates to a student's teacher, or relates to an issue concerning a student's experience at school, the complainant shall make an appointment with the student's teacher to discuss the matter (if appropriate) as soon as possible through the school administration office. In circumstances where a student has more than one teacher, where the complaint relates to one of the student's teachers, the appointment, through the school administration office, is to be made with the teacher to whom the complaint relates.

1.2.2 If appropriate, the complainant shall give the teacher an opportunity to tell that person all he/she knows about the incident or issue. Together both the complainant and teacher can then take steps to attempt to resolve the problem at this level.

The teacher will make a record of the complaint and report the meeting and any outcomes to the school Principal.

1.2.3 If the complainant determines it is not appropriate to raise the complaint in accordance with the process outlined in 1.2.1, or if, after following that process, is dissatisfied with the manner in which their complaint was addressed then the complainant shall address their complaint, in writing, to the Principal.

### **1.3 Complaints concerning administrative staff:**

1.3.1 If the complaint is about a non-teaching or administrative staff member, or a teacher other than a student's teacher, the complainant shall attempt to discuss the matter with the person to whom the complaint relates by agreement with that person's immediate supervisor.

1.3.2 If the complainant determines it is not appropriate to raise the complaint in accordance with the process outlined in 1.3.1, or if, after following that process, is dissatisfied with the manner in which their complaint was addressed then the complainant shall address their complaint, in writing, to the Principal.

### **1.4 Complaints concerning the Principal:**

1.4.1 If the complaint relates to the Principal the complainant shall make an appointment with the Principal to discuss the matter (if appropriate) as soon as possible through the school administration office.

1.4.2 If appropriate, the complainant shall give the Principal an opportunity to tell that person all he/she knows about the incident or issue. Together both the complainant and Principal can then take steps to attempt to resolve the problem at this level.

1.4.3 If the complainant determines it is not appropriate to raise the complaint in accordance with the process outlined in 1.4.1, or if, after following that process, is dissatisfied with the manner in which their complaint was addressed then the complainant shall address their complaint, in writing, to the Chair of Council.

## **1.5 Complaints concerning a member/s of the School Council or Chair of School Council:**

1.5.1 If the complaint relates to School Council or a member of the School Council then the complainant shall make the complaint in writing to the Chair of School Council.

1.5.2 If appropriate, the complainant shall give the Chair of School Council an opportunity to tell that person all he/she knows about the incident or issue. Together both the complainant and Chair of School Council can then take steps to attempt to resolve the problem at this level.

## **2. APPEAL TO ARCHBISHOP**

### **2.1 Where a Complaint relates to a school that is Diocesan owned**

2.1.1 If the school is a Diocesan owned school and the complainant determines it is not appropriate to raise the complaint in accordance with the process outlined in 1.5.1, or if, after following that process, is dissatisfied with the manner in which the complaint was addressed then the complainant may address their complaint, in writing, to the Archbishop. The complaint must clearly state the grounds on which it is believed the complaint has not been properly dealt with and contain full details of all relevant documentation regarding the original complaint.

### **2.2 Where a Complaint relates to a school that is not Diocesan owned**

2.2.1 Where a complaint relates to a school that is not Diocesan owned and the complainant considers a complaint has not been properly dealt with by the Chair of school Council having regard to the school as a Church Institution but respecting the corporate independence of the council the complainant may appeal to the Archbishop. The appeal to the Archbishop must be in writing, clearly state the grounds on which it is believed the complaint has not been properly dealt with and contain full details of all relevant documentation regarding the original complaint. The Archbishop shall liaise with the Chair of school Council with a view to resolving the complaint.

## **3. DEFINITIONS**

**Alleged:** means a complaint made against a person which has yet to be resolved.

**Allegation:** means information or an assertion which is still to be proved.

**Archbishop:** means the present Archbishop of the Anglican Church of Australia in the Diocese of Brisbane his successors in office and any person acting as Commissary or exercising the powers of the Archbishop under the provision of the Constitution.

**Assault:** (s.245 CC) defined as:

‘Any person who strikes, touches or moves, or otherwise applies force of any kind to, the person of another, either directly or indirectly without the other person’s consent, or with the other person’s consent if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without the other person’s consent, under such circumstances that the person making the attempt or threat has actually or apparently a present ability to effect the person’s purpose, is said to assault that other person, and the act is called an assault.’

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/CriminCode.pdf>

**Bullying:** Bullying is the repeated less favourable treatment of a person by another or others in the workplace or learning environment which is considered unreasonable and inappropriate workplace practice. It includes

behaviour that intimidates, degrades, humiliates or offends a person and is generally persistent, systematic and ongoing behaviour.

**Canon:** means and includes any enactment of the Synod.

**Complaint:** means a grievance, problem, difficulty or concern that is made either verbally or in writing regarding another student and/or member of school staff.

**Complainant:** means any person who makes a complaint.

**Diocese of Brisbane:** an all-encompassing term that covers the activities and central organisation of the Anglican Church that occur in the geographical area of Southern Queensland: the area in Queensland below a line starting at the mouth of the Kolan River [north of Bundaberg] heading generally west to the border between Queensland and the Northern Territory.

**Diocesan Owned School:** means an Anglican school in the Diocese and includes: a school which is owned and administered by the Corporation.

**Discrimination:** see [Administrative Guidelines for Discrimination, Sexual Harassment and Workplace Bullying](#)

**Employees:** means office holders and staff members who work in a paid [full time / part time / casual] or voluntary capacity in Anglican schools. This term may include a 'church worker'.

**Grievance:** means a concern or complaint about an act, behaviour, omission, situation or decision that someone thinks is unfair or unjustified;

**Harm:** (s.9 CPA)

- (1) **Harm** to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.
- (2) It is immaterial how the harm is caused.
- (3) Harm can be caused by—
  - (a) physical, psychological or emotional abuse or neglect; or
  - (b) sexual abuse or exploitation.
- (4) Harm can be caused by—
  - (a) a single act, omission or circumstance; or
  - (b) a series or combination of acts, omissions or circumstances.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

**Inappropriate behaviour:** means any behaviour of an employee of the school including words, towards a student, regardless of age, which is inconsistent with the relevant Professional Standards, Code of Conduct and policies of the school and is considered to be 'inappropriate behaviour' by the person making the complaint.

**Natural Justice:** The principles of natural justice will apply to all decisions made under this policy and procedures document. As the consequences of any decision (that is, the effect/s on a person's rights, interests or legitimate expectations) for any individual become more severe, so the importance of demonstrably acting fairly increases. The fundamental principles of natural justice are:

- the right to be given a fair hearing and the opportunity to present one's case;
- the right to have a decision made by an unbiased decision-maker; and
- the right to have that decision based on logically probative evidence.

**Parent:** (s.10 EGPA)

- (1) A **parent**, of a child, is any of the following persons—
  - (a) the child's mother;
  - (b) the child's father;
  - (c) a person who exercises parental responsibility for the child.
- (2) However, a person standing in the place of a parent of a child on a temporary basis is not a parent of the child.
- (3) A parent of an Aboriginal child includes a person who, under Aboriginal tradition, is regarded as a parent of the child.
- (4) A parent of a Torres Strait Islander child includes a person who, under Island custom, is regarded as a parent of the child.
- (5) Despite subsections (1), (3) and (4), if—
  - (a) a person is granted guardianship of a child under the Child Protection Act 1999; or

- (b) a person otherwise exercises parental responsibility for a child under a decision or order of a federal court or a court of a State;

then a reference in this Act to a parent of a child is a reference only to a person mentioned in paragraph (a) or (b).

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EducGenPrA06.pdf>

**Sexual Abuse:** (s.364 of the *EGPA*)

Sexual abuse in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances –

- (a) the other person bribes, coerces, exploits, threatens or is violent toward the relevant person;
- (b) the relevant person has less power than the other person;
- (c) there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/EducGenPrA06.pdf>

**Sexual Harassment:** the legal definition of Sexual Harassment is behaviour which:

- subjects another person to an unsolicited act of physical intimacy; or
- makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person; or
- makes a remark with sexual connotations relating to the other person; or
- engages in any other unwelcome conduct of a sexual nature in relation to the other person

**Significant harm:** (s.13C *CPA*) means – any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. Harm can be caused by physical, psychological or emotional abuse or neglect, or sexual abuse or exploitation, and it is immaterial how the harm is caused. S.13C *CPA* provides further considerations for guidance in this regard. A professional may use their knowledge, training and expertise in identifying significant harm, which recognises that professionals may detect an impact of harm that non-professional people may not.

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

**Synod:** means the Archbishop Clergy and Laity for the time being constituting the governing body for the management of the affairs of the Church in the Diocese.