



COMPLAINTS PROCEDURES AND PRACTICES POLICY

I. ETHICAL STATEMENT

St Margaret's Anglican girls School endeavours to develop students' abilities and self-esteem, to promote personal spiritual growth and to build positive relationships with parents/guardians in a Christian environment in accordance with The Philosophy of The Society of the Sacred Advent for their schools:

To nurture the individual within a caring community so that each will realise his or her full potential to engender Christian values, encourage high academic standards and service to others so that all will have not only one goal, but also the inner strength "to love one another as I have loved you" (St John 13.34)

The School is an inclusive environment where the human's rights principles of fairness, respect, equality and dignity are promoted and are part of the everyday goals and behaviour.

The School values feedback received from any member of the School Community. Acting on both positive and critical feedback demonstrates the School's commitment to addressing issues of concern.

This Policy provides a School-based system for the handling of complaints about any aspects of the School's operations, service or personnel raised by members of the School Community.

2. INTENT

The aims and objectives of this Policy are to:

- provide an efficient, open, honest, transparent and accessible mechanism for addressing complaints and breaches of School Policy in accordance with the principles of natural justice;
- ensure that fairness toward both complainants and respondents is upheld throughout the complains management process;
- deal with complaints as swiftly and comprehensively as possible;
- provide sufficient opportunity for any complaint to be addressed fully through dialogue and mutual understanding;
- enhance the level of parent/guardian, student and staff satisfaction with the School;
- enhance relationships between staff and parents/guardians and students; and
- ensure that complaints information is integrated into the School's continual improvement process.

3. SCOPE

This Policy applies to:

- Employees of the School (staff)
- Students of the School and their parents/legal guardians
- Other members of the School Community

The *Queensland Anglican Schools Enterprise Agreement 2018* underpins this Policy

Bullying: Refer to St Margaret's AGS Anti-Bullying Policy, which is accessible, and can be downloaded from the School's website.

Discrimination: Refer to St Margaret's AGS Discrimination and Sexual Harassment Prevention Policy, which is accessible, and can be downloaded from the School's POD page.

Sexual Harassment: Refer to St Margaret's AGS Discrimination and Sexual Harassment Prevention Policy, which is accessible, and can be downloaded from the School's POD page.

Workplace Bullying and Harassment: Refer to St Margaret's AGS Workplace Bullying and Harassment Prevention Policy, which is accessible, and can be downloaded from the School's POD page.

4. DEFINITIONS

Advocate: A support person for a complainant or a respondent.

Complaints: For the purposes of this Policy:

- A complaint includes any real or perceived concern or dissatisfaction with any School related act behaviour, omission, situation, decision or service that a person feels is inappropriate, unfair, unjustified or in breach of school policy.
- Does not include an allegation against any person involving suspected criminal activity.
- A complaint is considered to be malicious, frivolous or vexatious if the complaint is deliberately harmful, spiteful, trivial or unworthy of serious attention or resources.

Decision-maker: The person responsible under this Policy for dealing with a complaint.

Harm: Any detrimental effect of a significant nature on the student's physical, psychological or emotional wellbeing. It is immaterial how the Harm is caused and can be caused by:

- Physical psychological or emotional abuse or neglect; or
- Sexual abuse or exploitation

Natural Justice: The principles of natural justice include:

- That those making a decision are not biased
- That persons should not be condemned unless they are given prior notice of the allegations against them and they have a fair opportunity to be heard; and
- The handling of complaints without undue delay.

School: St Margaret's Anglican Girls School (ABN 93 492 310 839)

School Community: For the purposes of this Policy means the Principal, staff, students, parent/guardians and any other person or group contracted to, interested in or associated with St Margaret's Anglican Girls School including the School Council and the Trustee.

School Council: St Margaret's School Council Ltd (ACN 069 684 019), the governing body of the School.

Trustee: The Society of the Sacred Advent Schools Pty Ltd (ACN 104 269 785), trustee of the School

Victimisation: Victimisation involves treating a person unfavourably or subjecting them to some form of detriment because the person has:

- Made a complaint or has proposed to make a complaint in accordance with this Policy;
- Been made a respondent in a complaint;
- Acted as a witness or has proposed to act as a witness in a complaint; or
- Supported, or intends to support a complainant or a respondent.

5. LEGAL FRAMEWORK

Anti-Discrimination Act 1991 (Qld)

Workplace Health and Safety Act 2011 (Qld)

Education (Accreditation of Non-State Schools) Act 2017

Education (General Provisions) Act 2006

The Queensland Anglican Schools Enterprise Agreement 2018

6. MATTERS TO BE DEALT WITH BY OTHER POLICIES AND PROCESSES

I. Student Protection

Where a complaint is about alleged Harm to a student, whether by another student or any adult (including a School staff member or parent/guardian), this Policy does not apply and such complaint shall be made and dealt in accordance with the Student Protection in Anglican Schools Policy and Students Protection in Anglican Schools Procedures, which is accessible and can be downloaded from the School's website.

II. External Dispute Resolution Processes

If the complaint remains unresolved after the school-based processes in this document have been exhausted, it may be pursued through external mediation or processes negotiated by the parties involved, including conciliation and arbitration.

III. External Proceedings

If the complaint remains unresolved after the school-based processes in this document have been exhausted, it may be pursued through external mediation or processes negotiated by the parties involved, including conciliation and arbitration.

7. RAISING A COMPLAINT UNDER THIS DOCUMENT – Informal Complaints

For minor complaints and if otherwise appropriate in the circumstance, the complainant may choose to deal with the matter informally by communicating directly with the respondent. The complainant should inform the respondent of the complaint and give the respondent an opportunity to respond. Together, both the complainant and respondent may then take step to attempt to resolve the matter informally.

If the complaint is by or about a student, the complainant may prefer to seek the assistance of the student's Head of Year to act as Advocate.

If applicable, the complainant may prefer to refer the matter to the respondent's Head of Year rather than directly to the respondent. The Had of Year must inform the respondent of the complaint and give the respondent an opportunity to respond.

A respondent or a respondents Head of Year may choose not to respond to an informal complaint and may request the complainant to make a formal complaint.

Many informal complaints may be addressed satisfactorily at the first point of contact by the provision of information and/or an explanation. It may be appropriate for the respondent or another person to offer an apology, acknowledge the effect the situation has had on the complainant, and provide an undertaking that action will be taken to prevent the problem recurring.

The principles in Section 10 apply but the processes in Section 12 do not apply to complaints raised informally. In particular, informal complaints are not recorded in the Complaint Register, the School's records or the staff member's or student's file.

8. RAISING A COMPLAINT UNDER THIS DOCUMENT – Formal Complaints

If the complaint relates to the Principal, the School Council or a member of the School Council other than the Chair, the complaint shall be made in writing to and decided by the Chair of the School Council.

If a complaint relates to the Chair of the School Council, the complaint shall be made in writing to and decided by the Chair of the Trustee.

If a complaint relates to the School generally, such as issues of School policy, the complaint shall be made to and decided by the Principal.

If the complaint is by a student, the process for making the dealing with the complaint set out in Appendix I applies. To the extent of any inconsistency between this Policy and appendix I, this Policy prevails.

If a complaint relates to a member of staff other than by a student, the complaint shall be made to and decided by the Deputy Principal.

All other complaints shall be made to and decided by the Deputy Principal.

Alleged breaches of any School Policy shall be addressed by the Deputy Principal.

If they consider it appropriate, the Principal and the Deputy Principal may delegate the handling of a complaint for which they are the designated Decision-maker to another person.

For complaints made directly to the Anglican Diocese of Brisbane, or the Archbishop, please refer to the Complaints Management in Anglican Schools Policy.

9. RAISING A COMPLAINT UNDER THIS DOCUMENT – Appeals

If a complainant or a respondent considers that a formal complaint has not been satisfactorily resolved, that person may appeal to the Principal or if the Principal was the Decision-maker, to the Chair of the School Council. This cause does not apply to a complaint about the Principal, the School Council or a member of the School Council, including the Chair.

If a complainant or a respondent considers that a complaint (whether original or on appeal under) has not been satisfactorily resolved by the Chair of the School Council, that person may appeal to the Chair of the Trustee, and then to the Archbishop (please refer to the Complaints Management in Anglican Schools Policy and Procedures).

10. GUIDING PRINCIPLES

All complaints, including informal complaints to the applicable extent, and complaints on appeal, shall be dealt in accordance with the following principles:

I. Responsiveness

Complaints need to be managed openly and responsibly. The process and timeframes for addressing complaints will vary depending on the nature and complexity of the complaint. It is important that the process and handling complaints is supportive and utilises positive conflict resolution skills.

II. Fairness

The process for addressing complaints needs to be fair to both the complainant and the respondent. All parties must be protected from bias, victimisation, discrimination or retribution at all times. The process shall be based on the principles of natural justice.

Each complaint shall be treated on the information available and actions taken should be appropriate to the individual complaint.

A complaint that is not resolved in a reasonable timeframe is deemed to be not satisfactorily resolved and accordingly the right of appeal will apply.

III. Complainant's Rights

The Complainant shall have the right to:

- be heard and have their complaint treated seriously;
- be informed of the processes of complaints handling; and
- be informed of the decision and the reasons for the decision.

IV. Respondent's Rights

The respondent shall have the right to:

- be provided with sufficient detail of the complaint to prepare a response to the complaint;
- be heard and have their response treated seriously;
- be informed of the processes of complaints handling; and
- be informed of the decision and the reason for the decision

V. Conflicts

The Decision-maker for a complaint must be independent of the parties and the subject matter of the complaint.

- If there is a conflict of duty or interest for the Decision-maker (other than the Principal, the Chair of the School Council or the Chair of the Trustee), the Decision-maker shall immediately inform the Principal who may act as Decision-maker or delegate the complaint to an independent person who need not be a member of the School Community.
- If there is a conflict of duty or interest when the Principal is the designated Decision-maker, the Principal shall immediately inform the Chair of the School Council who may act as decision-maker or delegate the complaint to an independent person who need not be a member of the School Community.
- If there is a conflict of duty of interest when the Chair of the School Council is the designated Decision-maker, the Chair shall immediately inform the Chair of the Trustee who may act as Decision-maker or delegate the complaint to an independent person who need not be a member of the School Community.
- If there is a conflict of duty or interest when the Chair of the Trustee is the designated Decision-maker, the Chair of the Trustee shall immediately inform the parties and consult with the parties to refer the complaint to an independent person.

VI. Disciplinary Action

Disciplinary action may be taken against a person who:

- breaches any of the School's policies or standards;
- engages in inappropriate conduct in the complaints process;
- makes a complaint that is determined to be malicious, frivolous or vexatious;
- breaches confidentiality during the complaints process; or
- engages in victimisation.

A Decision-maker or any other person who considers that there are grounds for disciplinary action against a person may refer that matter to the Principal, the Chair of the School Council or another appropriate person.

VII. Victimisation

- Under federal and state legislation, it is unlawful to subject a person who has made a complaint, or who has been made a respondent in a complaint, to victimisation.
- In order for complaints to be dealt with properly, complainants and respondents must feel secure in the knowledge that this Policy will be followed without fear of retribution
- Accordingly, victimisation of any person will not be tolerated

11. PRIVACY AND CONFIDENTIALITY

I. Confidentiality

To protect confidentiality and privacy, all parties and persons with knowledge of a complaint must ensure at all times that information relating to a complaint is restricted only to those who genuinely need to be aware of the information in order to deal with the complaint. Notwithstanding, in certain circumstances, some information about the specific complaint may need to be disclosed to others in accordance with legal and/or regulatory requirements. The complainant needs to be informed if this is the case.

II. Personal Information

Personal information collected as part of the complaints process will not be released publicly.

III. Anonymous Complaints

Anonymous complaints will be accepted as formal complaints. There are generally three types of anonymous complaints:

- where the complainant refuses to supply their own name and/or contact details;
- where the identity of the other persons (apart from the respondent) involved has not been supplied by the complainant; and
- where the identity of the complainant is known to the recipient or Decision-maker but is not provided to the respondent at the request of the complainant.

IV. Effect of Anonymous Complaints

In these circumstances:

- a formal response cannot be made to a complainant who does not provide a name and/or contact details;
- an anonymous complaint has less value because it cannot be fully investigated; and
- in order to make a full and fair investigation and achieve a satisfactory outcome for all parties, it may be necessary for the complainant to provide further information and/or to make the identity of the complainant known to the respondent.

12. MAKING COMPLAINTS AND APPEALS – Process

- Other than complaints expressly required to be in writing, complaints may be lodged in person, by telephone, letter, fax or email
- All appeals must be lodged in writing
- For complaints and appeals that must be lodged with the chair of the School Council and the Chair of the Trustee, please address as Private and Confidential to the Chair of the School Council, c/of the School address.
- Complaints that must be made under this Policy to the Principal or any other member of School staff may be made to the School via the School's contact details on the school's website or may be taken by any member of School Staff
- Complainants will be referred to this Policy at the time of or as soon as practicable after making a complaint
- Any School staff taking a complaint must immediately refer the complaint to the relevant Decision-maker
- As they consider necessary or appropriate, Decision-makers may make their own enquiries to investigate a complaint and interview any persons who may have knowledge of the matter

- If the complaint relates to harm to a student (whether physical/emotional/sexual) or to possible criminal activity the complaint is to be reported immediately to a Student Protection Officer or the Principal

13. MAKING COMPLAINTS AND APPEALS – Responsibility of Complainant

A complainant is required to:

- provide the School with complete and factual information in a timely manner and be aware that failure to supply all relevant information may be a significant barrier to the ability to investigate and resolve a complaint satisfactorily
- deliver the complaint in a non-threatening manner
- not deliberately provide false or misleading information; and not make malicious, frivolous or vexatious complaints or comments

14. MAKING COMPLAINTS AND APPEALS – Recording Complaints

- For verbal complaints taken by telephone, the written record is read back to the complainant and the complainant is asked to provide verbal confirmation of the written record. The person taking the complaint records this confirmation and signs the written record, indicating their personal designation, and date of the complaint. The verbal complaint is followed-up, if possible, by a written record of the complaint being sent to the complainant for signed confirmation
- For complaints taken in person, a member of staff will take a written record which is read to the complainant, with opportunity for appropriate amendments. The complainant is asked to sign the written record of the complaint. The person taking the complaint also signs, indicating their personal designation, and date the complaint. A copy of the record of the complaint should be provided to the complainant
- If a complainant refuses to sign or confirm a written record of a verbal complaint, the refusal will be noted on the written record and the complainant will be advised that refusal has been noted. If a verbal complaint is not confirmed by the complainant's signature, the process will be based only on the written record. The complainant may not make a later complaint or appeal on the same subject matter on the grounds that the written record of complaint is unsatisfactory
- Receipt of a complaint or appeal will be acknowledged in writing as soon as possible, generally within three (3) working days, by telephone, in person, by email, or in writing
- All respondents will be informed of a complaint against them and offered the right of reply and if possible, the complainant will be informed of this

I. How to Prepare a Complaint

A Complainant when making a complaint and any person recording a complaint should:

- use objective language stating the facts clearly;
- provide information in chronological order, to the extent practicable;
- use quotation marks where appropriate and necessary (e.g. to identify actual words and statements used by people);
- write neatly and legibly in ink and in clear unambiguous language;
- include, where necessary, initialled and dated corrections; and
- include signature, name of the author, and time and date of the incident/complaint.

II. How to receive a verbal complaint

All verbal complaints are to be received in the following manner:

- be respectful and helpful;
- listen carefully to the complaint;
- do not be defensive or apportion blame;
- remain positive;
- do not perceive anger as a personal attack;
- summarise the issues to help ensure that the complaint is recorded accurately;
- empathise with the complainant and acknowledge his/her feelings;
- find out what the complainant wants to happen as a result of the complaint;
- advise the complainant that the support of a third party is available if needed;
- if the recipient is the appropriate Decision-maker, if possible, resolve the complaint or otherwise assure the complainant that the complaint will be addressed and/or referred appropriately;
- advise the complainant of the Complaints Policy processes; and
- thank the complainant for the complaint.

III. Responsibility of Respondent

Respondents will:

- Provide the School with complete and factual information in a timely manner and be aware that failure to supply all relevant information may be a significant barrier to the ability to investigate and resolve a complaint satisfactorily;
- Deliver the response to the complaint in a non-threatening manner;
- Not deliberately provide false or misleading information; and
- Not make malicious, frivolous or vexatious comments.

IV. Advocates and Interpreters

- Complainants and respondents have the right to have an Advocate present with them, and to speak for them, throughout any interview or hearing process. The Advocate must be an appropriate person acceptable to the other party and the Decision-maker, acting reasonably
- An advocate has the same responsibilities under this Policy as the complainant or respondent whom they support
- Complainants and respondents have the right to have an interpreter present when necessary

V. Records

- Decision-makers and School staff involved in dealing with a complaint will ensure that a complete and accurate record of the complaint is made, and that due process is followed
- All formal complainants (verbal or written) are to be reported by the person taking the complaint to the office of the Deputy Principal for recording in the Complaint Register

VI. Notice of Decision

- Decision-makers or their delegates will communicate their decision on the complaint in writing to the complainant and the respondent as soon as possible and inform them

of further options available under this Policy if they consider that the complaint has not been satisfactorily resolved

- If a staff member has a case to answer the consequences will NOT be disclosed to the complainant but will be recorded on the staff member's file and dealt with according to School processes. The complainant will be advised that the matter has been investigated and resolved
- Decisions on formal complaints are to be reported by the Decision-maker to the office of the Deputy Principal for recording in the Complaints Register

VII. Outcomes

- If there is not sufficient evidence to establish the substance of the complaint the Decision-maker will advise the complainant and the respondent in writing of the finding and of further options available to them under this policy
- If on the balance of probabilities, the complaint is established the School will take appropriate action/s to resolve the complaint
- Outcomes will depend on factors such as:
 - The severity and frequency of the offence;
 - The weight of the evidence;
 - The wishes of the victim;
 - Whether the perpetrator should have known that such behaviour was a breach of policy;
 - Whether there have been any prior incidents or warnings; and
 - The Principal or Director of Business & Operations SSA is to advise the School's insurer of potential liabilities to the School arising from actions under this policy.

15. RELATED POLICIES & DOCUMENTATION

Appendices

- APPENDIX 1 GUIDE FOR STUDENT COMPLAINTS
- APPENDIX 2 COMPLAINTS REGISTER

Policies

- Protecting Children & Young People in Anglican Education – Policy
- Protecting Children & Young People in Anglican Education - Procedures
- Student Protection in Anglican Schools Procedures
- St Margaret's AGS Discrimination and Sexual Harassment Prevention Policy
- ST Margaret's AGS Workplace Bullying and Harassment Prevention Policy
- St Margaret's AGS Anti-bullying Policy
- St Margaret's AGS Community Code of Conduct
- Risk Management Strategy and Operational Framework
- Complaints Management in Anglican Schools Policy
- Complaints Management in Anglican Schools Procedures

Revised Date: May 2023

APPENDIX I: GUIDE FOR STUDENT COMPLAINTS

Preliminary Remarks

This guide **DOES NOT** include matters of Student Protection.

This guide applies the principles of the **ST Margaret's AGS Complaints Policy**. To the extent of any inconsistency between the Policy and Appendix I, the Policy prevails. A copy of the Policy is accessible on, and can be downloaded from, the School's website.

These guidelines are written with the central belief that developing or resuming a healthy and respectful relationship between the parties is the desirable outcome.

This document assumes that:

- The majority of complaints will be resolved amicably, and a formal process need not be entered into.
- St Margaret's Anglican Girls School values the development of independence in students and thus resolution of their own complaints is a skill to be developed and encouraged.
- Parent/guardians will be informed of the complaint (if appropriate) at the earliest possible time but the student will be encouraged to resolve it.

Complainants rights

The complainant shall have the right to:

- Confidentiality;
- Be heard and have their complaint treated seriously;
- Be informed of the processes of complaints handling; and
- Be informed of the decision and the reasons for the decision.

I. If a complaint relates to another student

- The complaint shall be made to the complainant's Head of Year.
- If this person suspects the complaint relates to Harm (whether physical/emotional/sexual) or to possible criminal activity, the matter is to be reported immediately to a Student Protection Officer or the Principal.
- If this person identifies the complaint as readily resolved, he/she will inform the respondent and broker a discussion between the students.

- If the complaint is resolved no further action is required.
 - If the complaint remains unresolved it is to be referred to the Head of Primary or the Dean of Students (for complaints in the Secondary School).
2. If the complaint relates to a member of staff:
- The student should speak directly to the member of staff if the student feels comfortable and it is appropriate to do so; or
 - The student should speak with their Head of Year, subject or form teacher or any trusted other member of staff outlining their complaint.
 - If this person suspects the complaint relates to Harm (whether physical/emotional/sexual) or to possible criminal activity, the matter is to be reported immediately to a Student Protection Officer or to the Principal.
 - If this person identifies the complaint as readily resolvable, he/she will inform the staff member concerned and broker a discussion between the staff member and the student.
 - If the complaint is resolved no further action is required.
 - If the complaint remains unresolved it is to be referred to the appropriate Head of School.
3. **If the complaint is not resolved the Head of Primary or the Dean of Students (for the complaints in the Secondary School) will:**
- Ask the student to write their account of the complaint and sign it.
 - If there are other witnesses to the incident, they will also be asked to do this.
 - Request a report from the respondent named in the student complaint.
 - Ascertain the validity of the complaint in terms of School policies and rules.
 - Notify the Deputy Principal and Principal of the complaint and the assessment of it.
 - Ensure that the complaint is recorded in the Complaints Register.
4. **If there appear to be grounds for the complaint, the Head of Primary or the Dean of Students (for complaints in the Secondary School) will:**
- In the first instance, convene a meeting between the complainant and the respondent if this is safe for both parties and agreeable to them. The purpose of this meeting is to reconcile differences and allow a continuing relationship.
 - Advise the complainant and respondent that each is entitled to have an advocate of their choosing present at this meeting.
 - If a meeting is not desirable, offer the student/s support through the usual pastoral channels whilst an internal investigation of the incident is carried out.
 - If the complaint remains unresolved it is to be referred to the Deputy Principal for management under the St Margaret's AGS Complaints Policy.

5. Notice of Decision

- If a staff member has a case to answer, the consequences will NOT be disclosed to students but will be recorded on the staff member's file and dealt with according to School processes.
- The student will be advised that the matter has been investigated and resolved.

THE STUDENT ALWAYS HAS RECOURSE TO THE PROCESSES AND APPEALS OF THE PARENT DOCUMENT WITH THE ASSISTANCE OF AN ADULT ADVOCATE.