

Formal Complaints Policy

Purpose:	The purpose of this policy is to provide a formal procedure for student, parent and employee should they wish to make about any matter other than a student protection matter.	
Scope:	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. The policy applies to all formal complaints. Where there is any inconsistency with the Student Protection Policy, the Student Protection Policy will apply.	
Status:	Final	Supersedes: All previous Formal Complaints Policies
Authorised by:	Board Chair	Date of Authorisation: October 2017
References:	<ul style="list-style-type: none"> • Education (Accreditation of Non-State Schools) Regulations 2001 • Australian Education Regulations 2013 • Fair Work Act 2009 • Work Health and Safety Act 2011 (Qld) • Privacy Act 1988 (Cth) • Anti-Discrimination Act 1991 (Qld) • Australian Human Rights Commission Act 1986 (Cth) • Sex Discrimination Act 1984 (Cth) • Age Discrimination Act 2004 (Cth) • Disability Discrimination Act 1992 (Cth) • Racial Discrimination Act 1975 (Cth) • Latest Enterprise Bargaining Agreement • Stuartholme Work Health and Safety Policy • Stuartholme Privacy Policy • Acceptable Use of Technology Policy 	
Review Date:	Annually	Next Review Date: October 2020
Policy Owner:	School Governing Body	

Policy Statement

Stuartholme is committed to ensuring that student, parent and employee disputes are dealt with in a responsive, efficient, and effective and fair way.

Stuartholme views complaints and disputes as part of an important feedback and accountability process. Stuartholme 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 such feedback. Stuartholme recognises that time spent on handling disputes can be an investment in better service to students, parents and employees.

Types of Formal Complaints that may be Resolved under this Policy

Stuartholme encourage students, parents and employees to promptly lodge concerns regarding sexual harassment, discrimination, workplace bullying and privacy breaches as well as more general complaints that include areas such as:

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

Formal Complaints must be made in writing to the Principal.

Issues Outside of this Policy

The following matters are outside of 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 a separate policy.
- Student discipline matters, including matters involving suspension or expulsion, should be dealt with under a separate 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 Principal who will involve the Police as appropriate.

Formal Complaint Principles

Stuartholme is committed to managing formal complaints according to the following principles:

- Complaints made and the response to them must reflect the ethos enshrined in the Goals of Sacred Heart Education.
- Natural justice will be adhered to:

- A person has a right to be fully informed regarding allegations made against him/her;
- A person has a right to respond and to be heard in an impartial forum.
- Maintenance of confidentiality will be required of all Stuartholme staff and requested of all other witnesses. All will be requested to sign a confidentiality form.
- All efforts will be made to handle complaints in a timely manner.
- All members of the Stuartholme School community have rights and responsibilities that shape relationships and build community.
- Formal Complaints and Findings will be documented and kept on secure file.
- The investigation and resolution of complaints and the handling of disputes is to interfere as little as possible with the teaching and learning role of the School.
- This policy is seen as restorative but, may be disciplinary, depending on the nature of the complaint.
- The right to live and work in an environment conducive to safety and well-being is a matter of ethos and of law.
- In the opinion of the Principal and the School Board, if a person's presence may be harmful to, or pose an unacceptable risk to the well-being of themselves or others, then he/she will be stood aside for the duration of the Formal Complaints Process.

Procedures

Formal Complaints Procedure Response

- (a) The Complainant makes a Complaint in writing to the Principal. (If the Complaint is about the Principal, the Complaint is made to the Chair of the Board), who will progress the matter following this policy. A School Harassment Officer may assist the Complainant to formulate the Complaint (a Complaint Form is available but not obligatory);
- (b) The written Complaint and any other documentation is received by the Principal either directly or through a Harassment Officer;
- (c) The Principal will meet with the Respondent to inform him/her of the Complaint and provide details of the Complaint that are known at that time. The Principal will also supply copies of any documents received;
- (d) The Principal will invite the Respondent to respond;
- (e) The Respondent may respond immediately and/or at a later time;
- (f) The Principal will inform both Complainant and Respondent of the management plan decided upon to address the Complaint. All parties are encouraged to have support persons of their choice at all stages of the proceedings;

(g) The Principal and another Senior School Staff Member (with external advice as necessary) will decide how best to investigate and manage the Complaint;

This may include:

- Handling the Complaint under specific School Policy e.g. Acceptable Use of Technology;
- Mediation;
- Engaging an external person to investigate the Complaint.

(h) If mediation has been decided upon an outside mediator may be engaged:

- The choice of mediator must be suitable to both parties;
- The mediation will take place;
- Both parties will be requested to support any outcome; and
- Sign what was agreed upon.

(i) If an investigation takes place:

- An independent investigator will be engaged. The investigator will attend the school to interview both parties and relevant witnesses as nominated by Complainant, Respondent and identified by the investigator. NB. Witness names and statements are NOT made available to either the Complainant or the Respondent;
- All persons interviewed will be requested to sign a Confidentiality Form.

(j) All the evidence is weighed to establish whether the issues in the Complaint are substantiated or not substantiated;

(k) The outside investigator makes a written Report with Findings and Recommendations to the Principal. The Findings and Reasons are provided to the Complainant and Respondent;

(l) The Principal will inform the parties in writing of the Findings and the decision as to outcomes. If disciplinary outcomes are required this may involve a formal warning, request for an apology, demotion, termination of enrolment or termination of employment;

(m) That ends the Formal Complaint Process offered by the School.

Implementation

Stuartholme is committed to fostering a sense of community within which individuals are accepted and valued. Whilst most complaints will be able to satisfactorily remedied informally as appointments can always be made with the school to discuss issues this policy exists to address those complaints that cannot be resolved informally.

Stuartholme will respond to all formal complaints in a timely manner, keep appropriate records of formal complaints and their resolution and will report formal complaints that have been made to the school Board.

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