



Formal Complaints Policy

VERSION CONTROL:

Frequency of Review: 24 Months

Version	Date	Description
1.0	July 2005	Policy adopted
2.0	August 2008	Policy Amended
3.0	July 2011	Policy Amended
4.0	July 2013	Policy Amended by Mullins Lawyers
5.0	September 2017	Policy Amended
6.0	June 2018	Policy Amended
6.1	August 2018	Approved by Board
7.0	October 2019	Policy Amended, Approved by Board
8.0	November 2020	Policy Amended, Approved by Board
9.0	October 2022	Policy Amended
10.1	March 2023	Policy reviewed by GRC
10.2	March 2023	Policy approved by Board



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1. RATIONALE

Lourdes Hill College accepts that there will be times when College staff, students, parents, caregivers and the wider community will wish to question or bring Formal Complaints against behaviours, decisions or persons.

The College is committed to ensuring that any complaints are dealt with in a responsive, efficient, effective, transparent and fair way and believes that most complaints can be satisfactorily remedied informally through communication with staff, Curricular and Pastoral Leaders and College Leadership.

This policy exists to provide a formal procedure for students, parents, staff and the wider community should they wish to make such a complaint about any matter (other than an industrial matter). The Formal Complaint must be in writing to the Principal.

Appointments can always be made with the College to discuss issues.

2. GUIDING DOCUMENTS

Legislation:

- Education (General Provisions) Act (Qld) 2006
- Education (Queensland College of Teachers) Act (Qld) 2005
- Work Health & Safety Act (Qld) 2011
- Education (Accreditation of Non-State Schools) Act (Qld) 2017
- Anti-Discrimination Act (Qld) 1991

College Policies:

- Staff Workplace Wellbeing Policy Summary
- Privacy Policy
- ICT Policy - staff and students
- International Education Policies
- Internal Grievance Resolution Procedures – Performance of Duties Issues (staff)
- Internal Grievance Resolution Procedures – Professional Demeanour Issues (staff)

3. PRINCIPLES

This Policy is implemented under the following overarching and guiding principles:

- The College acknowledges the right of parents/caregivers (personally or on behalf of students), students, staff and the wider community to seek remedy for concerns and problems arising out of behaviour or decisions associated with the College.
- All Formal Complaints will be investigated under this Policy.
- The making of and responding to Formal Complaints will reflect Gospel values of acceptance and respect for each person and for forgiveness, hope and love.
- Natural justice and confidentiality will be stressed.
- Should, in the reasonable view of the Principal, unacceptable risks exist, a person may be stood down or suspended for the duration of the investigation.
- The College will handle all Formal Complaints in a consistent and timely manner with outcomes for all substantiated complaints put in place.

4. DEFINITIONS

Formal Complaint	A formal written expression of concern providing detailed information of the concern being raised (e.g. who, when, where).
Complainant	The person making the complaint.



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Respondent	The person allegedly “causing” the concern.
Mediator	Designated College employee who can assist with complaints and explain the process.
Outside Investigator	A person with appropriate qualifications to conduct a formal investigation.
Support Person	Designated person, entitled to be nominated and present in support of all witnesses during an interview.
Investigation	Fact finding process providing due process, natural justice and confidentiality.
Vexatious Complaints	Complaints that are found to have not been brought in good faith or with any reasonable validity.
Natural Justice	Ensuring of procedural fairness in which: <ul style="list-style-type: none">▪ Decisions and processes are free from bias;▪ All parties have the right to be heard;▪ The respondent has a right to know of what s/he is accused of; and▪ All parties are told the decision and the reason for the decision.
Management Plan	Proposed series of steps, strategies and procedures to be implemented with a view to addressing the complaint.

5. POLICY APPLICATION & RESPONSIBILITIES

The College has a range of policies and procedures that, together with relevant legislation, demonstrate the expected and required standard of conduct. These policies, procedures and legislation include but are not limited to Anti-Discrimination, Sexual Harassment, Bullying, Privacy, Workplace Health & Safety, Workplace Wellbeing and the Use of Information and Communications Technologies.

The College’s Statement of Commitment to Child Safety and Wellbeing, as part of the College’s Child Protection Program, commits the College to ensuring the safety and wellbeing of all children and young people at the College and is dedicated to protecting them from harm. The College encourages the reporting of any complaints concerning child protection at the College. Any such issues will be dealt with promptly and fairly. Relevant authorities will be contacted as required. A complaint relating to a child protection issue can be directed to the Principal or Child Protection Officer at the College. Alternatively, a complaint can be made following the procedures outlined in this Policy.

a. Responsibilities of the Members and Board of Directors

Good Samaritan Education, through the College Board, delegates to the Principal the responsibility for the development, adoption and compliance of this Policy as well as the fulfilling of all Workplace Health and Safety and other legal obligations.

b. Responsibilities of College Principal and College Leadership Team

The College Principal, through the College Leadership Team, is responsible for the overall management and application of this Policy. This includes but is not limited to:



- Dealing with Formal Complaints seriously and in accordance with the principles and procedures of this Policy and the Law.
- Modelling appropriate workplace behaviour and practice.
- Responding to and managing inappropriate behaviour regardless of whether a Formal Complaint is received.
- Having an expectation and encouraging all staff to behave in accordance with the goals and values of the College, and within the principles of equity and anti-discrimination.
- Promoting and fulfilling all Workplace Health and Safety and other legal obligations.
- Undertaking professional development in support of this Policy.
- Ensuring the College Board is regularly informed of formal complaints made against the College.

c. Responsibilities of Employees

All employees are required to be familiar with and comply with this Policy. In accordance with the expectations of the College and related policy legislation, staff must also:

- Fulfil Workplace Health and Safety obligations.
- Maintain a high standard of behaviour and workplace practice and treat each other with respect and dignity.
- Refrain from behaviours that may constitute bullying, harassment or discriminatory or unfair practice.
- Undertake professional development in support of this Policy.

The College may, from time-to-time, review and update this Formal Complaints Policy to take into account changes to the College's operations, practices or environment.

6. POLICY STATEMENT

a. Formal Complaints Process

- i. The Complainant is required to make the Formal Complaint in writing to the Principal.
 - The Mediator is available to assist the Complainant to formulate the complaint, giving particulars of the allegations (e.g. when, where, what was said, other witnesses etc.).
 - A Complaint Notification Form is available for this purpose but is not obligatory. A Complaints Notification Form will be provided by the College on request.
 - If the complaint being made by the Complainant is against the Principal, then the complaint can be directed to the Board Chair.
- ii. The complaint and any other evidence / documentation are to be received by the Principal either directly from the Complainant or through the Mediator.
- iii. The Principal and another Senior Staff employee, as advisor (with, as necessary, external advice) will decide how best to manage and investigate the Formal Complaint. This may include:
 - Handling the Formal Complaint under a specific College Policy.
 - Engaging an external person to investigate the Formal Complaint (refer sub-section (b) below).
 - Internal investigation by appropriate Senior Staff person or other delegation (refer sub section (c) below).
- iv. The Principal and advisor will meet the Respondent to inform him/her of the Formal Complaint and all written details and copies of documents known and to hand.



- The Respondent will be invited to respond at that time, and also respond in writing by a due date.
 - Both Complainant and Respondent will be informed of the Management Plan decided upon to address the Formal Complaint.
 - Confidentiality will be stressed.
- v. Both parties are encouraged to have support persons of their choice at all stages of the proceedings.
- vi. Subject to any appeal undertaken in accordance with sub-section (h) below, all decisions arising from the Formal Complaints Process are final.

b. Investigations Conducted by an External Investigator

At times, an external investigator will be engaged by the College Principal to carry out the investigation.

- The Investigator will attend the College to interview both parties and relevant witnesses as nominated by complainant, respondent and investigator.
- All interviewed will be requested to commit to confidentiality.
- All statements taken will be cited as a 'true record' of information given.
- The External Investigator will provide a report of the investigation, and whether or not each allegation of the Formal Complaint is substantiated in its specifics, to the Principal.
- The report will provide findings on each of the allegations and may include recommendations to the Principal.
- The Principal, at their discretion, will decide on the most appropriate outcomes in view of the report and recommendations.
- The Principal, in writing, will provide and inform the Complainant and Respondent with a Record of the Findings and Reasons.
- The Principal will put consequences in place.
- Witness name/s and statement/s will not be shared in College Investigations.

c. Investigations Conducted by a delegated Senior Employee

The process will reflect the steps as described above in sub-section (b), where the investigator is an external appointment.

d. Formal Complaints involving the Principal

- A Formal Complaint made by a parent, staff member or other party against the Principal must be put in writing and addressed to the Board Chair.
- The Board Chair may address the issue with the Principal.
- Depending on the nature of the Formal Complaint, the Board Chair may refer the matter to the Executive Director of Good Samaritan Education (GSE). GSE protocols would then be followed.
- Should the Formal Complaint involve a breach of legislation, the Board Chair will contact the appropriate legal authorities.
- The Board Chair may seek the assistance of the College Executive team or an External Investigator to assist in carrying out an investigation into the Formal Complaint.
- The Board Chair will decide upon the most appropriate outcome in view of the investigation and will provide the Complainant and the Principal with a Record of the Findings and Reasons. Any decision made by the Board Chair will be final.

e. Formal Complaints involving the Board/Board Chair

- Formal Complaints involving members of the College Board will be referred to the Board Chair.



- The Chair, or their delegate, will notify the person about whom a Formal Complaint is being made of the complaint, investigate the Formal Complaint and provide the Board Member with an opportunity to respond to any issues raised.
- An attempt will be made to mediate the dispute (if appropriate) and/or attempt to resolve the matter.
- Where the Board Chair is the subject of a Formal Complaint, the matter should be referred to the Chair of Members or the Executive Director, Good Samaritan Education.
- If the matter remains unresolved, the Board Chair will raise the Formal Complaint at the next Board meeting. Depending on the seriousness of the Formal Complaint, the Board may deal with the matter at its meeting, or refer the matter to the QLD Ombudsman.

f. Evidence

Evidence used in support of any Formal Complaint should be presented in a credible and consistent manner. Dependent upon the nature of the complaint, the following types of evidence may be relevant or required:

- Records and diary notes kept by the person who has the concern.
- Supporting evidence provided by a medical practitioner, counsellor, family member, friend or co-worker.
- Complaints or information provided by other employees about the behaviour of the alleged person causing the concern.
- Supervisor's report and personnel records (e.g. sudden increase in sick leave).

g. Outcomes

- i. The Principal will put in place any outcomes resulting from the Principal's decision. These may include disciplinary outcomes for Staff. Staff outcomes may include any combination of the following:
 - Demotion, suspension, probation or dismissal.
 - Re-training and professional development.
 - Mentoring.
 - Official warnings that are noted on the personnel file.
 - That the Formal Complaint was vexatious or malicious.
 - Formal apologies.
- ii. Outcomes decided upon will depend on factors such as:
 - The severity and frequency of the issue causing concern.
 - The weight of the evidence.
 - The wishes of the person who is making the Complaint.
 - Whether the person causing the problem could have been expected to know that such behaviour was a breach of policy/professional conduct.
 - The level of contrition.
 - Whether there have been any prior incidents or warnings.
- iii. Disciplinary outcomes will apply to anyone who brings a Formal Complaint which is considered vexatious or without any basis.
- iv. There may be times when a Complainant does not want to continue with any process or investigation. If the issues raised are such that the health and wellbeing of staff or students is being adversely affected, the College reserves the right to instigate an investigation irrespective of the wishes of the Complainant or other parties.
- v. Subject to any appeal undertaken in accordance with sub-section (h) below, the decision of the Principal marks the end of the Formal Complaint Process offered by the College.



h. Compliant Resolution Review

Any appeal against a decision should be made in writing to the Principal. An appeal is only likely to be considered if there is evidence that there was a procedural issue with the investigation that was undertaken.

The Principal will consider the application for a review and will either direct that the complaint be re-examined or direct that the matter be closed.

i. Non-Compliance with the Resolution Process

All employees under their contract of employment and Workplace Health and Safety laws are reasonably expected to assist the College in its reasonable efforts to manage disputes. Where the person, against whom a complaint was lodged, refuses to attend meetings, or refuses to take part in mediation sessions, or severely breaches confidentiality to the extent that the business objectives of the College are compromised, he/she may be subject to disciplinary action.

In any case, the investigation will proceed and recommendations, decisions and actions put in place.

j. Record Keeping

The College will maintain accurate and up to date records of all Formal Complaints, including actions taken, decisions made and the outcome of the Formal Complaint Process. Information will be stored in line with the College's Privacy and Record-Keeping Policies.

k. Implementation

The College is committed to raising awareness of the process for resolving complaints, through the development, implementation, support and promotion of this policy and related procedures.

Employees will be provided training on how to resolve complaints in line with this policy and associated procedures and afforded access to all information through the Staff Portal. The Formal Complaints Policy and reporting form is also publicly promoted and made available to the broader College community, inclusive of students, parents and guardians through the College Website.



(Attachment 1)

COMPLAINT NOTIFICATION FORM

A	Name of Complainant	
B	Role / Position	
C	Address	
D	Contact Phone No.	
E	Email	
F	Name of Respondent	
G	Role / Position	
H	Was the Complaint Reported at the time of the issue? YES / NO	
I	IF YES: <ul style="list-style-type: none"> ▪ To Whom ▪ Position ▪ When 	
J	IF NO – outline reasons why:	
K	What action was taken by you (if any)	
L	What action was taken by the person you report the issue to (if any)	
M	Has the complaint / issue become known to others?	
N	Support Person Name (if known)	
O	Support Person Role	



(Attachment 1)

COMPLAINT NOTIFICATION FORM

<p>P</p>	<p><u>Statement by Complainant</u> <i>Provide specific details about the complaint. Please number each paragraph. There may be a series of issues. Try to cover them all and try to keep the events in chronological order. The College Mediator or your support person can help you. Use extra pages as necessary.</i></p>		
<p>No.</p>	<p>Issue</p>	<p>Date</p>	<p>Witnesses</p>
<p>1</p>			
<p>2</p>			



(Attachment 1)

COMPLAINT NOTIFICATION FORM

No.	Issue	Date	Witnesses
3			
4			
Signature of Complainant:		Date:	