

# KingaroySHS

## School Complaints Management Procedure

Complaints come to principals and other school staff in many forms. Complaints can be from parents/carers, community, staff or students.

This document outlines the procedures undertaken at this school to manage complaints. Complaints management at this school is also underpinned by section 46 of the [Education \(General-Provisions\) Act 2006 \(Qld\)](#), and the department's [Complaints Management - State Schools](#).

All complaints are handled in a positive and open way.

### 1. Documentation

The school documents all complaints.

Complaints are recorded and reported to the principal as soon as practicable after receiving the complaint.

Complaints can be made directly to the principal.

The record of the complaint:

- uses objective language clearly stating the facts
- contains information in chronological order as practically possible
- uses quotation marks, where appropriate and necessary
- is neatly and legibly written in biro/pen or in print in clear unambiguous language
- includes, where necessary, initialled and dated corrections
- includes signature, designation of the author, and time and date of the incident/complaint.

If the complaint is not resolved at the first point of contact, the complaint is acknowledged within five working days by telephone, in person, by email, or in writing.

Documents related to the complaint are kept and stored in accordance with the relevant departmental policies and procedures. Please refer to [Information Management](#) and [Access to Records Held in Schools](#).

### 2. Complaints Management Phases

There are four key phases in handling a complaint, with the option of a fifth phase for review of a complaint outcome:

- |          |  |
|----------|--|
| Phase 1. | Receiving and clarifying the complaint |
| Phase 2. | Deciding how to handle the complaint   |
| Phase 3. | Finding out about the complaint        |
| Phase 4. | Making a decision about the complaint  |
| Phase 5. | Review                                 |

#### Phase 1 - Receiving and clarifying the complaint

Any member of staff can receive a complaint.

All complaints are received in the following manner:

- being respectful and helpful
- giving the person your undivided attention
- not being defensive, apportioning blame
- remaining positive
- not perceiving anger as a personal attack.

When a staff member receives a verbal complaint they:

- listen carefully to the issues being raised
- summarise the issues to clarify and check that they understand what the complainant is telling you
- empathise and acknowledge the complainant's feelings
- find out what the complainant wants to happen as a result of the complaint
- tell the complainant that they may use the support of a third party in progressing the complaint, if they feel this is needed
- resolve the complaint if possible, or assure the complainant that an appropriate staff member will address their complaint
- advise the complainant what will happen with their complaint
- thank them for their complaint.

Complaints are sometimes made with the assistance of an advocate, interpreter or by a third party (as agreed between the complainant and the principal). In this case staff will receive and clarify a complaint from more than one person.

Many complaints are resolved at the first point of contact with information and/or an explanation, together with an apology and recognition of the effect the situation has had on the person. Some complainants may also want an undertaking that action will be taken to prevent the problem recurring.

When the complaint is not resolved immediately, the complaint is referred to the principal as soon as is practicable.

A member of staff who receives a verbal complaint that is not resolved informs the complainant of the further options of:

- putting their complaint in writing, or
- assisting the member of staff to record, in writing, the particulars of their complaint.

In general, if the complainant agrees to put the complaint in writing, the member of staff takes no further action unless or until a written complaint is received.

However, if the complaint relates to a report about harm (whether physical/emotional/sexual) of a student under 18 years attending a state educational institution, refer to [Student Protection](#), for detailed obligations of all Education Queensland employees.

Once the complainant indicates that they would like to register a formal complaint verbally, the member of staff makes a written outline of the issues concerned. The record is read to the complainant, with opportunity for appropriate amendments and the complainant is asked to sign, where possible, the written version of the complaint. The staff member also signs (indicating their personal designation, for example, 'Teacher A, XYZ State School') and dates the complaint.

No signature is required for verbal complaints taken over the phone, but the complainant is asked to provide verbal confirmation of the issues that have been recorded.

If a complainant refuses to sign or confirm a written recording of a verbal complaint, the staff member notes the refusal on the written complaint. The complainant is told that this refusal will be noted and that the process will be reliant on the staff member's interpretation and notes only. The complainant may not, at a later date, make another complaint based on a lack of satisfaction with this record of complaint.

### **Receiving a written complaint**

When a written complaint is received it is date-stamped and forwarded to the principal.

### **Receiving an anonymous complaint**

When an anonymous complaint is received, the complainant is told of the possible limitations associated with making an anonymous complaint.

## **Phase 2 - Deciding how to handle the complaint**

When a staff member receives a complaint, they:

- begin the process of making an assessment about a complaint from the moment the complaint is received
- make an assessment in the first instance about whether the issue can be dealt with as a concern or a complaint
- if they are not the principal, refer the complainant or the complaint to the principal for addressing.

The principal decides whether to:

- take no further action
- attempt to resolve the complaint through resolution strategies such as mediation
- refer the complaint to the relevant internal or external agency if required
- initiate an investigation of the complaint, within the school, if further information is required.

### **Co-ordination of complaints**

The principal has the final responsibility for the management of all complaints that relate to school management issues under his/her jurisdiction. The complaint can be referred to another staff member in the school for action (for example, the deputy principal, business services manager or nominated staff member).

If the complaint relates to departmental policy, or a departmental policy position, the complainant is advised to take their complaint to the [relevant regional office](#).

If the complaint is in relation to official misconduct, student protection or a perceived breach of privacy, the complaint is directed to the Ethical Standards Unit and the Legal Administrative Law Branch.

### **Record of complaint**

The principal ensures that records of a complaint and any referral of a complaint are kept for either internal or external review.

### **Phase 3 - Finding out about the complaint**

The principal or delegate gathers all the necessary facts about the complaint while keeping in mind the principles of natural justice of all parties concerned.

The principal or delegate investigates complaints by:

- collecting and analysing information relevant to the matter
- working collaboratively with all people involved
- finding the facts relating to the matter
- identifying any contributing factors to the matter
- consulting the relevant [DET Procedure Register](#) on issues that relate to the complaint
- documenting the investigation report or outcome.

### **Phase 4 - Making a decision about the complaint**

Based on the facts gathered in Phase 3 about the complaint, the principal or delegate makes a decision on the complaint.

### **Notifying the complainant of the decision**

Within 28 days of the receipt of the complaint, the principal provides the complainant with either:

- a written response, including reasons for the decision, or
- a written notification that their complaint has been referred to an internal or external agency.

### **Phase 5 Review Phase**

If the complainant is not satisfied with this response, they are encouraged to discuss it further with the school principal and/or advised to contact the [regional office](#).

Further review of the decision is available from the Queensland Ombudsman as described in [Making a Complaint](#).

Our full expectations are outlined in **Appendix One**

Mr Ashley Roediger

Principal Kingaroy SHS

Date 29/01/2020

Mr Robert Postlewaighe

P&C/School Council

Date 29/01/2020

Date of review

Nov 2020.

# **Appendix One**

## **Complaints Management at Kingaroy State High School – Expectations**

### ***Statement of Values***

Kingaroy State High School's approach to handling concerns and complaints is based on the values of:

1. Providing a safe and supportive learning environment
2. Building relationships between students, parents and staff
3. Providing a safe working environment for staff and learning environment for students

We recognise concerns and complaints as a valuable part of a continuous process of improvement. We are committed to developing and implementing processes so that concerns and complaints are managed efficiently and fairly with impartiality, confidentiality and transparency in a manner that is responsive to, and respectful of, the needs, rights and obligations of each person who is involved in the process.

Our school aims to establish and maintain administrative processes to manage concerns and complaints raised. Our school also aims to develop, publicise and implement policies and procedures to be adopted which effectively address concerns and complaints.

### ***What is Covered?***

The Kingaroy State High School Complaints Handling System covers concerns and complaints relating to:

1. Student behaviour
2. Staff conduct
3. Conduct of volunteers and other workers
4. Incidents of bullying or harassment in the classroom or the school grounds
5. Academic, sporting and cultural programs
6. Student learning, reporting and assessment
7. Communication with parents and guardians
8. School fees
9. Similar school-related matters except for the matters set out below. The Kingaroy State High School Complaints Handling System does NOT cover concerns nor complaints relating to:
  - Matters that must be referred to external sources under legislation and policy (such as allegations of abuse or suspected abuse)
  - Complaints by staff members relating to their employment
  - Matters that must be referred to Education Queensland (such as complaints relating to exclusions)
  - Complaints that should be addressed through staff performance management policies or grievance policies

### ***Our Expectations***

The School expects a person raising a concern or complaint to:

1. Do so promptly, as soon as possible after the issue occurs
2. Provide complete and factual information about the concern or complaint
3. Maintain and respect the privacy and confidentiality of all parties
4. Recognise that it would not be appropriate to make comments about the matter on social media
5. Acknowledge that a common goal is to achieve an outcome acceptable to all parties
6. Act in good faith, and in a calm and courteous manner
7. Show respect and understanding of each other's point of view and value difference, rather than judge and blame
8. Deliver the complaint in a calm and reasoned manner
9. Recognise that all parties have rights and responsibilities which must be balanced
10. Recognise that, when a concern or complaint is raised about a person, the school has an obligation to afford natural justice to the person. The school must provide details of the concern or complaint to the person (which may include the name of the complainant together with details of the specific allegations that have been raised). The person will be given an opportunity to respond to the allegations

11. Raise any concerns about the process promptly, directed to the School personnel managing the matter

### ***Expectations of the School***

The School aims to address concerns and complaints:

1. Courteously
2. Efficiently and promptly (or within the agreed timeline)
3. Fairly
4. In accordance with the principles of natural justice
5. In accordance with legislative and regulatory frameworks and guidelines

### **Confidentiality and Privacy Obligations**

The school must afford privacy and confidentiality to all parties to the extent required by, and permitted by, law. Parties must afford privacy and confidentiality to one another to the extent required by law. The school requires and expects that all parties will, when addressing concerns and complaints:

1. Maintain the confidentiality of all parties strictly in accordance with confidentiality and privacy policies and legislative requirements
2. Observe the principles of natural justice
3. Acknowledge that their common goal is to achieve an outcome acceptable to all parties
4. Act in good faith and in a calm and courteous manner
5. Show respect and understanding of each other's point of view and value difference, rather than judge and blame
6. Recognise that all parties have rights and responsibilities which must be balanced
7. Not derogate the other person
8. Not retaliate against the other person in any way

### ***Communication***

Open communication is vital. It is the key to addressing and resolving complaints. Communication should be clear and respectful and the correct person addressed.

### ***Commitment to Engage in Reasonable Complainant Conduct***

All parties have an obligation to commit to engage in reasonable conduct throughout this process. This necessitates that everyone acts with confidentiality, privacy, co-operation, courtesy and respect, noting that confidentiality and privacy obligations are governed by legislation. The school may consider a complaint to be carried out unreasonably if the complainant's conduct, in the reasonable opinion of the school:

1. Is significantly outside the expectations of confidentiality, co-operation, courtesy or respect
2. Calls for staff resources and time, unjustified by the nature or significance of the complaint
3. Is vexatious (that is, an action or complaint that is brought without merit, often to cause annoyance to another person)

If the school determines that a complainant's conduct is, or may be, unreasonable, the school may use reasonable endeavours to develop a plan to address the complaint and the complainant's interaction with the school; inform the complainant of the plan and ensure that it adheres to the plan as closely as practicable.

The school may consider a person's response to a complaint to be carried out unreasonably if the respondent's conduct, in the reasonable opinion of the school:

1. Is significantly outside the expectations of confidentiality, co-operation, courtesy and respect
2. Calls for staff resources and time, unjustified by the nature or significance of the complaint
3. Is retaliatory (that is, an inappropriate, hurtful or vindictive action in response to a complaint)

If the school determines that a respondent's conduct is or may be unreasonable, the school will address the matter under its Code of Conduct and related policies and procedures.

### ***Process for Addressing Complaints***

The nature of concerns and complaints differs widely and the process that will be adopted by the school must respond to the unique elements of the concerns and complaints. Upon receipt of a concern or

complaint the school will assess the matter to determine that appropriate process to implement. The process may range from a telephone conversation with the person which resolves the matter, to a comprehensive investigation.

To the extent practicable, the process for addressing complaints will give consideration to the following elements:

- a) **Acknowledgement** – the concern or complaint will be acknowledged
- b) **Assessment** – the nature of complaints differs widely and we may consider the following points:
  - What is the complaint?
  - Is further information required to clarify the subject of the complaint?
  - What is the scope of the complaint?
  - Can the complaint be addressed by the School's internal processes or must it be referred to external sources under legislation, policy or for practicality?
  - Is it time sensitive?
- c) **Planning** - if an investigation is required, the investigation will be developed based on the Kingaroy SHS Workplace Investigation Plan
- d) **Investigation** – Investigate the complaint

In considering each allegation the School must start with the presumption of innocence so that each person is presumed to be innocent in relation to any allegations that have been raised against them. The School must bear in mind the gravity of the issues in each allegation and consideration must be given to the seriousness of the allegations, the likelihood or inherent unlikelihood of an occurrence of the given description, and the gravity of the consequences flowing from a particular finding.

- e) **Determination** – there are five determinations that may be made from an investigation of an allegation as follows:

(i) The allegation is 'dismissed' – the determination will be made where the facts alleged by the complainant, even if established, fail to demonstrate the essential elements of the allegation

(ii) The allegation is 'neither substantiated nor unsubstantiated' – this determination will be made where there is inconclusive evidence by the complainant and the respondent and/or no independent corroborating evidence to add weight to either party's version of events. The complaint cannot be dismissed. The complaint cannot be substantiated. The complaint cannot be classified as being unsubstantiated.

(iii) The allegation is 'unsubstantiated' – this determination will be made where there is independent evidence of sufficient weight and probative value to support a finding, on the balance of probabilities, that the facts as alleged did not occur.

(iv) The allegation is 'substantiated' – this determination will be made where there is independent evidence of sufficient weight and probative value to support a finding, on the balance of probabilities, that the facts as alleged did occur.

(v) Further information or investigation required – this determination will be made where there is sufficient evidence to determine, on the balance of probabilities, whether the complaint should be dismissed, classified as substantiated, unsubstantiated, or 'neither substantiated nor unsubstantiated', but there is an option reasonably available to seek further information or evidence which may assist the decision maker to make a determination.

- f) **Communication and response** – communicate the outcome of the concerns and complaints, where possible, to all relevant parties subject always to the legislative and common law obligations of privacy and confidentiality.
- g) **Review** – review the process + options for review by external sources

eg if you were not satisfied with the process or the outcome we would encourage you to discuss the matter with the School Principal. If you have recently discussed your complaint with the School Principal and you still feel that you have not reached a resolution you may contact your local Education Queensland Regional Office.

- h) **Consideration** – consider whether the complaint raises any systemic issues which require action. It would be beneficial to review the record of complaints at intervals to identify common or recurring issues that may need to be addressed.