

<b>POLICY TITLE:</b>	<b>Formal Complaints Policy</b>
DATE OF IMPLEMENTATION:	March 2018
DATE TO BE REVIEWED:	March 2023

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## **Introduction**

There will be times when problems are likely to arise between Montessori International College, herein referred to as the College, and members of the direct College community (parents, staff and children), especially if there is a perception that the College is not hearing their concerns. It is therefore, a recommendation of the College that those who have concerns raise them promptly with relevant staff, including the Principal, to seek a prompt and informal remedy. Parents and students are valued, involved with the College and encouraged to voice their concerns at the lowest level. The culture of the College is open to receiving and addressing complaints. When issues are addressed in a prompt positive manner, the likelihood that they will become entrenched issues with the potential to become acutely difficult, is reduced.

## **Purpose of the Policy**

The purpose of the Formal Complaints Policy is to provide a consistent and transparent process for dealing with complaints in accordance with the principles of:

- (a) Natural Justice;
- (b) Due Process;
- (c) Confidentiality; and
- (d) Prompt Response.

## **Scope**

This policy applies to employees, volunteers, parents/carers, students and associated members of the public, who wish to raise a Formal Complaint about any matter. It is to be read in conjunction with other policies in place to address and remedy behaviour of concern, including the Child Protection Policy and the Privacy Policy.

## Responsibility

The Board of Directors, herein referred to as the Board, and the Principal hold the responsibility for all complaints. This responsibility is delegated under Regulation 7 and 16 of The Accreditation (Non-State-Colleges ) Regulations 2017.

## Point of Contact

Assistant Principal or  
Delegate

## The Law

(a) Contract Law (b) Negligence; (c) Work Health & Safety Act 2011; (d) Accreditation (Non-State Colleges) Act 2017 and Regulations 7, 15 and 16; (e) Australian Privacy Principles; (f) Privacy Legislation; (g) Privacy Amendment (Notifiable Data Breach) Act 2017; (h) Child Protection Policy; (i) Anti-Harassment Policy; (j) Anti-bullying Policy; (k) Behaviour Management Policy; (l) Privacy Policy; (m) Assignment Policy; (n) Code of Ethics for MIC Staff; and (o) Staff Code of Conduct.

**The Key Principles** for the handling of complaints are: *The College is open to the concerns of parents and others within the scope of this Policy. Complaints are received in an open positive manner. Parents and students can expect to be taken seriously and are encouraged to approach relevant members of staff about their concerns at the earliest opportunity and informally. The complaints process about Formal Complaints is clear and readily available. All Complaints, both Formal and Informal, will be dealt with speedily and those who have raised them kept informed about progress. No person will be treated adversely because a complaint has been raised. Confidential records and notes will be kept on file. Resolution of the matter is sought. Staff will **be trained** annually in complaints handling (both informal and formal).*

Training will include:

- Understanding of the complaints procedure;
- Communication skills, such as listening, questioning and calming;
- Handling complaints, negotiation and mediation skills;
- Skills in observing, recording and reporting;
- The benefits of handling complaints well and the consequences of handling them badly;
- Consequences (including disciplinary consequences) for substantiated complaints will be imposed by the College additional to any that may arise by law.

## Definitions

**Formal Complaint** A Formal Complaint is an expression of dissatisfaction with a real or perceived problem. A complaint may be made if a parent or student thinks that the College has, for example:

- done something wrong;
- failed to do something it should have done; and/or
- acted unfairly or impolitely. A complaint may be made about the College as a whole, about a specific department in the College or about an individual member of staff.

**Informal Complaint** An Informal Complaint is a complaint usually made orally through communication with relevant staff including academic and College Leadership.

**Allegations** Allegations are the purported conduct/actions of the Respondent toward the Complainant/s.

**Complainant/s** The person who brings the Formal Complaint.

**Respondent** The alleged offender.

**Support Person** A person who attends meetings/interviews with the Complainant and Respondent as another witness of the meeting (the support person does not speak as an advocate).

### ***Unacceptable Risk***

An assessment by the Principal/Leadership that the attendance at the College by the Respondent would not be in the best interest of those involved with the Complaint process.

***Standing Down*** The action taken following a reasonable assessment that the attendance of the alleged offender (for the duration of the investigation), is not in the best interests of the College.

***Timely Action*** Matters need to be addressed with reasonable promptness.

***Confidentiality*** A complaint must be treated with the utmost confidentiality. This does not affect the complainant's right to seek external assistance at any time.

It is important when handling a complaint that confidentiality of all parties concerned is respected. Information will be shared only on a 'need to know' basis and as necessary to comply with the requirements of this policy or as required by law.

Information will be regarded as confidential if:

- The information has the necessary quality of confidence' in that any unauthorised use would be detrimental to a party; and
- It was shared or confided under circumstances where there was a special need for trust. For example, when it is between the:
  - (a) Assistant Principal and/or the Delegate and the complainant;
  - (b) Principal and the alleged offender; and (c) Principal and Senior Leadership Team.

### ***Natural Justice***

The Principles of Natural Justice will apply to decisions made under this policy. The two fundamental principles of natural justice are:

- Those making a decision are not biased; and
- Any person who has a complaint against them must be given a fair opportunity to be heard in response to the specifics of the complaint and to put forward their side of the

matter.

## The Procedure

NB. Neither the Principal nor the Board will accept a Complaint from an aggrieved person **after** the legal contractual relationship between Complainant and the College has been severed. For example, the removal of students from the College or resignation of a staff member.

(a) The Complainant makes the complaint in writing (this may follow an initial oral complaint), to the Principal of College or Delegate.

- A member of the Senior Leadership Team will be delegated to act as a Complaints/Liaison Manager and will be available to assist the Complainant to particularise the complaint issues. This will ensure that the Respondent will have a clear and detailed picture as to what the allegations are, which will allow for a meaningful response.

(b) The complaint and any other documentation received by the Principal, either directly or

through the Principal's Delegate, will be provided to the alleged offender as appropriate.

(c) The Principal and another Senior Leadership Team member will decide how best to manage the steps of the Complaint and where necessary, may seek external advice. This may include:

- Handling the complaint under a specific College Policy, if applicable. For example, the College's Privacy Policy;
- Consideration of the appropriateness of mediation (both parties **must be willing and comfortable**);
- The need to engage an external person to investigate the Complaint and its substance; and
- Whether or not it is necessary to stand the alleged offender down in the best interests of others and the College.

### ***Natural Justice***

In line with **Natural Justice** the Principal/ Delegate will meet with the Respondent **promptly** to inform him/her of the Complaint and provide details orally of the nature of the issues and also a written copy if it is available in particularised form.

The Principal and/or the Delegate will invite the Respondent to respond then and there, if he/she wishes to do so, but the Respondent must also be given the opportunity and time to respond to the allegations **in writing** after he/she has received them in a

particularised form.

The Respondent can choose whether or not to make any response.

If no response is made then the investigation proceeds with the information that **is available** to it by other witnesses.

If the choice is to make a written response then it must be received by a certain date.

The Principal will inform both Complainant and Respondent of the management plan decided upon to address the Complaint which usually follows the following steps:

- Interviewing witnesses;
- Assessing substance; and
- Findings. (a) All parties are encouraged to have support persons of their choice at all stages of the proceedings. (b) If mediation is to take place, an agreed mediator will be engaged:
  - The mediation will take place with support persons (support persons do not have a speaking role);
  - All parties will be required to support, in good faith, any outcome arrived at and sign what was agreed upon; and
  - The matter will thereafter be monitored at set intervals.
- c) If an investigation takes place:
  - An external Investigator may be engaged as Complaints Investigator (to remedy perception of bias);
  - The Investigator will attend the College to interview both parties and other witnesses;
  - All interviewed parties will be requested to sign a Confidentiality Protocol;
  - **Names of witnesses and their statements will not be shared with the Parties** – only to the Principal and/ or the Delegate;
  - All statements taken will be sighted as a “true record” of information given. (d) The Complaints Investigator will provide a Report of the Investigation and Findings on whether or not the allegations in the Complaint have or have not been substantiated to the Principal; (e) The Report is privileged to the Principal and the Board. (f) All parties involved can receive a copy of the Report. This is at the discretion of the Principal. (g) The Principal at his/her discretion, will decide on the most appropriate outcomes. (h) The Principal, in writing, will confirm to the Complainant and the Respondent the outcomes decided. (i) The Principal will put in place any outcomes resulting from the decision, these may include disciplinary outcomes for Staff and Students, including:

## **For Students For Staff**

Apology Apology

Counselling Counselling

Suspension Demotion from position of responsibility

Expulsion Formal Warning on File

Show  
Cause

Terminatio  
n

(a) Disciplinary outcomes will apply to anyone who brings a complaint, which is considered vexatious or without any basis; and (b) Anonymous Complaints will be responded to the extent reasonably possible.

## **College Initiated Investigation**

There may be times when a Complainant feels unable to, or does not want to, initiate or continue with any process or investigation. Similarly, the Complainant may not want to bring a Formal Complaint at all. That is their choice. However, there may also be the circumstance where the concerns raised are assessed as College-wide issues, rather than issues affecting one person. If the issues raised are such that the health and wellbeing of staff or students, or the good running of the College is being adversely affected, the College needs to initiate its own Investigation into the issues.

The College reserves the right to set up an investigation, irrespective of the preference of the complainant. The College has a duty of care for a safe workplace. Where the College initiates an investigation, there is no named Complainant, as the issue/s are of a wider scope.

## **Anonymous Complaints**

**NB. Anonymous allegations about child abuse will be dealt with as further detailed in the College's Child Protection Policy.**

Anonymous complaints may be where there is no indication of either name or address, or where

the complainants say that they do not wish to be identified. They may come from members of the public, from parents or from students.

Complaints from the public about the behaviour of a group of students will be dealt with on a general basis, with reminders to all about the College's expectations.

Parents and students should be encouraged to give their names and should be given reassurance on the issue of confidentiality. If they persist in wishing to remain anonymous, it is at the Principal's discretion as to what action, if any, should be taken, depending on the nature of the complaint and whether the complaint has wider application for the College's wellbeing and good management.

Anonymous complaints will be recorded in the Complaints Log.

## **Review**

This Policy will be reviewed as necessitated by the law.

## **Annexure 1**

**Staff Training** Annual training will be held for staff via SALT and the College Lawyer.

***Parental Complaints to Staff*** If a parent has a complaint about you, as a member of staff, you should deal with it quickly and honestly if you feel confident to do so. Such a complaint might be in relation to a subject grade, perceived unfair treatment of a late assignment, and so on.

If you do not feel confident about handling the complaint, you should consult with your teaching team, in the first instance, and with an Assistant Principal if you think it is warranted.

If the complaint is about an area that lies outside your responsibility you should report it to an Assistant Principal immediately.

Matters incapable of resolution at a particular level should be referred to the appropriate Senior Leadership Team member. Staff are required to keep the parents informed of the action being taken. This includes, for example, a complaint made to a relatively junior member of staff about a more senior colleague.



Staff will recognise when issues need to go straight to the Principal, with whom the responsibility for most complaints lie. Certain parents will wish to go straight to the Principal with their concerns, and this should be respected. However, it should be explained that the Principal might not be able to respond until he/she has consulted the staff members who can help.

If you receive a complaint and decide to respond to the parent or student in writing, you should also discuss your response with the Principal, who will co-sign the response.

Make sure you are clear about the nature of the complaint before you respond. If it is not immediately obvious, then:

- The parents may need more time to explain;
- They could be asked to put their complaint in writing; and
- It may be helpful to discuss possible outcomes.

**All complaints need to be handled promptly** It is the policy of the College that all complaints will be acknowledged as promptly as possible. Staff should inform parents about what is happening to their concern or complaint, and, if a more detailed response is needed, then provide a date as to when it will be received. The issue should be dealt with as quickly as possible.

**The Board** The Principal will share serious complaints with the President of the Board. If a serious complaint is **about** the Principal, parents are encouraged to write directly to the President, whose email address will be supplied upon request.

## Annexure 2

### *Record of Complaints*

#### **a) Informal Complaints**

**Most complaints will be able to be handled at an informal level by appropriate staff.**

Staff need to make clear notes of all conversations with parents about any source of dissatisfaction. This includes friendly chats and telephone conversations, as misunderstandings easily arise. There should be a clear statement of what is concerning the complainant/s.

Parents and students may wish to be anonymous at the informal but should be encouraged to give their names in case they have continuing problems. They must be given reassurance on the issue of confidentiality

**b) Formal Complaints Under Regulation 7, a log book for recording Formal Complaints must be kept. This will be kept electronically by the Assistant Principals. It is important that the details of the complaint are recorded accurately as:**

- It may become the cause of legal action in the future;
- Patterns in the record may indicate a need for action; and
- The Principal should be able to check the log and report on it regularly to the College Board. The log should contain the following information:
  - Date when the issue was raised;
  - Name of Complainant;
  - Name of Respondent;
  - Nature of the Complaint brief statement of issue;
  - Process decided for managing issue;
  - Brief statement of outcome; and a
  - Copy of any Mediation or Investigation reports.

These **files are confidential** and are only to be **accessed by members of College staff in the presence of the Assistant Principal or Principal.**

**c) Anonymous allegations about child abuse should be dealt with as detailed in the College's Child Protection Policy.**

**Anonymous complaints must also be recorded in the log.**

### **Annexure 3**

**Confidentiality** Confidentiality is an important issue for students, parents and staff. It is essential that any complaint is treated in a confidential manner and with respect.

Parents often seek an assurance of confidentiality before expressing their concerns. If, for example, they wish to discuss a concern about a particular member of staff, they may fear that their child will suffer in some way because they have complained.

It should be made clear to all concerned that it is the College's policy that complaints made

by parents should not rebound adversely on their children and similarly that complaints raised by students should not rebound on them or on other students.

The question of confidentiality should be discussed sensitively and on an individual basis with the parents and the College's policy should be carefully explained.

It may be possible to deal with a problem without naming individuals. However, even if no names are given, the source of the complaint may be clear. Depending on the nature of the complaint and on the circumstances, it may be impractical to investigate without identifying the member of staff or the child – it may also be in the interest of the child to do so.

Members of staff are rightly concerned that they should know about complaints that might be damaging to their reputation. Such complaints will be known only to themselves and to those who have to be consulted. The College will provide support for staff against whom a complaint is made, upon request; this will be provided by a colleague who is not otherwise involved.

**If there is a situation involving the police, the Principal, will take responsibility for action in the College and the President of the Board will be informed as soon as possible.**

## **Annexure 4**

### **Outcomes**

**Complainants are most likely to be may be satisfied with the situation has been resolved by any of the following:**

- Knowing that changes have been made, and that matters will be different in the future;
- Knowing that the College is now alert to a possible problem;
- Feeling that their concern has been listened to and considered seriously;
- An outcome which may be different from the one they sought, but which they perceive to be well-considered;
- A considered letter; and
- An apology.

In cases where time has been needed to investigate a complaint, the parties will receive a copy of the Findings and decided outcomes.

**Intractable Complaints** There may be a small minority of persistent or aggressive Complainants who will never be satisfied, whatever the College does. The College may even discover on investigation that the complaint was without foundation or motivated by malice. Nevertheless, it is wise to treat all complaints seriously and to follow the procedures.

Most complaints can be resolved if approached positively. If a complaint becomes intractable, it may be due to its nature or to the way in which it was handled, or possibly because the Complainant holds an entrenched view the College to have 'closed ranks' against him or her.

There are different stages of action to be taken with intractable complaints.

### **Referral/Appeal to the President of the Board**

In some cases, either the Complainant or the Principal may refer the matter to the President of the Board.

The President of the Board will discuss the matter fully with the Principal and be provided with relevant documentation of the process followed and a copy of the Investigation" Report.

In this situation, the Board will not re-open or re-investigate the matter but will:

- Check that **proper process and natural justice** was followed and if so,
- Inform the Complainant that the matter is closed.

**Referral to a Conciliation Committee** At the discretion of the Principal, the College may establish a Conciliation Committee to advise

the Principal about a complex issue. This will usually be the Senior Leadership Team, or other staff able to contribute insight.