

## COMPLAINTS POLICY

### (NAG 3)

#### RATIONALE:

In order to ensure the best educational outcomes for students and to facilitate confidence in College processes, it is important that concerns and complaints by students, staff, parents/caregivers and members of the community are resolved as quickly as possible and in a fair and consistent manner.

#### GUIDELINES:

1. The College will make every effort to resolve all concerns and complaints, which may manifest themselves in various forms and through various channels.
2. Concerns will normally follow the process set out in the Complaints Procedures unless they are culturally specific circumstances that require a different process.
3. Formal complaints must be made in writing and signed by the complainant. They should be addressed to the Principal who will follow the process set out in the Procedure for making a Formal Complaint (see Appendix 2).
4. Legal requirements and the relevant conditions of any related current employment contracts will be adhered to. For some issues, outside mediation may be sought.
5. The Board of Trustees will only become actively involved when the issue is serious, or if it is unresolved between the Principal and the complainant. In such cases, a properly constituted sub-committee of the Board should undertake further investigation of the complaint and initiate any actions it deems appropriate.

This policy is intended to be consistent with the requirements of the Privacy Act, 1993.

<b>New/Reviewed</b>	<b>Tabled</b>	<b>Adopted</b>	<b>Signed</b>
New 16/3/10		6/4/10	By Richard Griffin, Chairperson
15/5/12 to Sub Committee	5/6/12	7/8/12	By Rob Gosling, Chairperson
1/9/15	3/11/15	3/11/15	By Robyn van der Sande, Chairperson

## **LONG BAY COLLEGE COMPLAINTS PROCEDURES**

### **AIMS**

1. To resolve complaints in a fair and professional manner – this should be done in a co-operative and speedy manner.
2. To protect the rights of complainants by:
  - a. acting promptly to resolve the dispute of complaint;
  - b. ensuring that they are not harassed for having laid a complaint.
3. To protect the rights of staff by:
  - a. ensuring the complaints are fairly investigated and decisions are made on the basis of properly evaluated evidence;
  - b. ensuring the process complies with the procedure set out below and relevant contractual provisions.
4. To protect the rights of students by:
  - a. ensuring that complaints are fairly investigated and decisions are made on the basis of properly evaluated evidence;
  - b. ensuring that a process is in place so that the student does not suffer adversely as a result of making the complaint.

### **PROCEDURE FOR CONCERNS**

#### **1. Concerns of Students**

Students are encouraged to talk directly to their teachers whenever a concern arises. However, if the student does not feel this is appropriate or the concern is not resolved, they should approach their Director of Learning or relevant Head of Faculty.

#### **2. Concerns of Parents/Caregivers**

- a) Where a parent/caregiver has a concern about a classroom matter, they should first try to contact the teacher involved to discuss the matter. This is best done by telephoning the school or writing/emailing to the teacher concerned. Contact details must be included or left with the College receptionist. It is expected that the parent/caregiver, teacher and Head of Faculty meet to discuss the concern. Teachers will endeavour to respond to parent/caregiver contact by the end of the following school day.
- b) If the response provided does not fully address the concern, the parent/caregiver may take the matter further by making a formal complaint.

### 3. Other Concerns

If a parent/caregiver has a concern about any other matter which they feel unable to discuss with the teacher directly or which does not involve a particular teacher, they may telephone or write to one of the following people:

The Director of Learning of their son/daughter  
The relevant Head of Faculty  
The Guidance Counsellor  
A Deputy Principal  
The Principal.

Concerns from the wider community should be directed in the first instance to either the Principal or a Deputy Principal. If the concern from a member of the wider community is about a staff member, it should be directed to the Principal. If the concern is about the Principal, it should be directed to the Chairperson of the Board of Trustees.

### **PROCEDURE FOR MAKING A FORMAL COMPLAINT**

When the College's response to a concern is unsatisfactory or a formal complaint is to be made, these procedures should be followed:

1. The complaint should be recorded in writing with details that include the full nature of the complaint, efforts made to resolve the matter and the complainant's name, address and telephone number.
2. The written formal complaint should be addressed to the Principal, or in the case of a complaint about the Principal to the Chairperson of the Board of Trustees.
3. When the complaint is received, the Principal or Board Chairperson will discuss the matter with the complainant to seek clarification before deciding what action should be taken. The complainant may have a support person during this process if desired.
4. The Principal or Board Chairperson will investigate the complaint by procuring all relevant documentation and interviewing all relevant parties. Written statements will normally be taken.  
Complaints about a student: see Appendix 1  
Complaints about a staff member: see Appendix 2.
5. The Principal or Board Chairperson will decide what steps will be taken as a result of the investigation and will ensure that a record of the complaint, the process and the outcome is kept in the confidential Complaints File.
6. Depending on the nature of the complaint, the matter may be referred to the Board of Trustees for consideration and action.
7. The complaint will generally be treated in confidence. However, in the interests of natural justice, any persons included in a complaint must have the opportunity to hear all details about it and have the opportunity to present their point of view. They may have a support person during any discussion of the complaint if they wish.
8. Complainants will be informed of the outcome of the investigation.
9. If a complainant is dissatisfied with the outcome of the complaint they may write to the Board of Trustees for a review of the process. This should be completed within 28 days.

## **APPENDIX 1**

### **PROCEDURE REGARDING COMPLAINTS ABOUT A STUDENT**

- i All complaints must identify the person(s) involved.
  
- ii The Principal (or such other staff member as may be appropriate) shall investigate the complaint to determine whether or not it is of substance. If there is no foundation to the complaint or it is capable of being remedied informally with the agreement of the parties concerned, then this shall conclude the enquiry and the outcome shall be advised to those concerned and recorded.
  
- iii If the complaint is not capable of being resolved informally then the Principal shall give consideration to an appropriate response in accordance with the school discipline procedures, stand down, suspension, exclusion and expulsion rules and provisions under the Education Act 1989.

## APPENDIX 2

### **PROCEDURE REGARDING COMPLAINTS ABOUT A STAFF MEMBER**

- i Complaints should identify the person(s) involved. It is acknowledged in some cases a written complaint may not be practicable. This will not prevent these procedures being implemented.
  
- ii If a complaint is received about a staff member's conduct then the Principal shall carry out an investigation in the first instance unless the complaint is about, or concerned with, the Principal, in which case the Board of Trustees shall carry out the investigation. The purpose of this initial inquiry is to determine whether there is any foundation to the complaint, whether it can be resolved informally or if it should be the subject of a formal disciplinary investigation.
  
- iii An investigation into a staff complaint shall comply with the requirements of procedural fairness and the relevant terms of the applicable employment agreement. The investigation process shall be determined by the investigator on a case by case basis, but shall include the following minimum requirements:
  - a. the staff member shall be fully advised of the complaint and be given the opportunity to make an initial response;
  - b. if a formal disciplinary investigation is commenced, the staff member shall be advised of this decision and of his or her right to representation during the investigation. The identity of the person(s) who will be carrying out the formal investigation on behalf of the Board of Trustees shall be notified;
  - c. the disciplinary investigation may involve interviewing those persons considered relevant to the enquiry. The staff member shall be kept advised of the scope of the enquiry and provided with all interview notes, documentation and other information obtained during the process;
  - d. the staff member shall be given the opportunity throughout the process to give responses and ensure his or her views are considered;
  - e. at the completion of the formal investigation a report setting out the tentative findings and recommendations of the Board shall be made available to the staff member who will be given further opportunity to respond to the findings and recommendation.
  
- iv The complaints procedure will be carried out in accordance with the principles of procedural fairness and relevant provisions contained in a teacher's employment agreement. It is also acknowledged that the investigation process may be varied to meet individual circumstances and that in some cases the following may apply:
  - a. the Principal or Board of Trustees may suspend a staff member at any time following receipt of a complaint provided the reason for suspension is in accordance with the relevant provisions of the Secondary Teachers' Collective Agreement. The Principal is authorised by the Board of Trustees to suspend on its behalf in appropriate circumstances;
  - b. the Board of Trustees may delegate all or part of an investigation to a suitably qualified person outside of the school where the Board considers such external assistance appropriate.
  
- v During an investigation and upon its completion the applicable reporting requirements to the Teachers' Council shall be met, in particular if:
  - a. the teacher is dismissed for misconduct or failure to reach the required level of competence;

- b. the teacher resigns within twelve months of an investigation being carried out with respect to the teacher's conduct or competence;
- c. a complaint is received within twelve months after a teacher ceases employment;
- d. there is reasonable belief that a teacher may have engaged in serious misconduct or has not reached the required level of competence despite the school undertaking competency procedures;
- e. any criminal conviction of an offence punishable by imprisonment for three months or more must be reported by the teacher within seven days of conviction.

vi The teacher shall be provided with copies of any notices sent to the Teachers' Council provided in accordance with the Education Act 1989.