



# RIVERMOUNT COLLEGE

*Realising the Potential Within*

## 3.16.01 COMPLAINTS HANDLING POLICY AND PROCEDURE

### PURPOSE

The purpose of this policy is to provide written processes about receiving, assessing, investigating, and otherwise dealing with complaints.<sup>1</sup>

### SCOPE

Any person directly affected by the subject of a complaint. Examples may include staff, students or a student's parent or guardian, contractors, or community members.

### RESPONSIBILITY

Principal reporting to the Board of Directors

### LEGISLATION AND REFERENCES

Education (Accreditation of Non-State Schools) Regulations 2017

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)

Human Rights Act 2019 (Qld)

Sex Discrimination Act 1984 (Cth)

Age Discrimination Act 2004 (Cth)

Disability Discrimination Act 1992 (Cth)

Racial Discrimination Act 1975 (Cth)

Standards Australia, Guidelines for complaint management in organizations (ISO 10002:2022, NEQ)

- Rivermount Education Ltd Enterprise Agreement 2022: Disputes
- Enrolment Contract
- Workplace Bullying Policy 03.08.01
- Communication with Parents Policy 05.08.01
- Student Anti-Bullying Policy 05.14.01
- Anti-Discrimination Policy 08.01.01
- Disability Discrimination Policy 08.01.02
- Anti-Sexual Harassment Policy 08.02.01
- Privacy Policy 08.08.01
- Workplace Health & Safety Policy 08.11.01

<sup>1</sup> Education (Accreditation of Non-State Schools) Regulations 2017, s.7

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## DEFINITIONS

<b>Complaint</b>	An expression of dissatisfaction made to or about the school, related to the school's services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required. <sup>2</sup>
<b>Informal Complaint</b>	A complaint about a matter that is likely to be simple, straight forward, easily manageable, or minor, where a simple or quick resolution is appropriate such as discussion of the matter with a relevant staff member.
<b>Formal Complaint</b>	A complaint about a matter that is serious, complex or may pose a threat to the health and safety of any person. Examples include serious allegations or breaches of policy, complaints against a senior staff member, including the principal or an informal complaint that could not be resolved informally. Assessment of the complaint is required by a senior staff member.
<b>Complainant</b>	The person, organisation or their representative making a complaint. <sup>3</sup>
<b>Respondent</b>	The person who is referred to in a complaint by a complainant as the person responsible for their concerns or who can best respond to their concern.

## POLICY STATEMENT

Rivermount College acknowledges the right of students, parents/guardians, staff and others to complain when dissatisfied with the College's services, including an action, inaction or decision of the school. Rivermount College is committed to ensuring that student, parent and employee complaints are dealt with in a responsive, efficient, effective and fair way.

The College will ensure employees can recognise, receive, and appropriately refer complaints to the informal or formal complaints procedure.

The College recognises that time spent on handling complaints can be an investment in better service to students and parents/guardians and a better culture for employees. Complaints are viewed as an important part of our feedback and accountability process and as such the College encourages constructive criticism and complaints.

<sup>2</sup> Standards Australia, Guidelines for complaint management in organizations (ISO 10002:2018, NEQ), s.4.3

<sup>3</sup> Standards Australia, Guidelines for complaint management in organizations (ISO 10002:2018, NEQ), s.4.2

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## **Complaints Handling Principles**

The College is committed to managing complaints according the following principles (which include principles of procedural fairness):

- complaints will be taken seriously, dealt with fairly and objectively, without judgment and addressed in a reasonable time frame.
- complaints should be resolved with as little formality and disruption as possible, having regard to the nature of the complaint.
- interested parties to the complaint (for example, the complainant and any respondent) will be heard and/or may provide relevant information in relation to the complaint.
- confidentiality and privacy will be maintained as much as possible.
- the complainant and any respondent will be offered support as appropriate.
- victimising behaviour towards a complainant, respondent or other people associated with the complaint, will not be tolerated.
- complainants that lodge a complaint on reasonable grounds will not suffer any other reprisals on the basis of the lodging the complaint.
- Anonymous complaints will be treated on their merits like any other dispute when possible.
- The College shall determine the appropriate person to deal with the complaint in the first instance.
- The College's insurer will be informed if a complaint could be connected to an insured risk.
- Mediation, negotiation and informal resolution are optional alternatives to investigation.
- Natural justice principles will be observed wherever practicable.
- All parties to the complaint are entitled to reasonable progress updates.
- Appropriate remedies will be offered and implemented.
- A review mechanism will be offered.
- The College will keep confidential records of complaints.

## **Types of Complaints That May Be Resolved Under This Policy**

Rivermount College encourages anyone who feels impacted by an issue involving the school to file a complaint. Complaints can address matters such as:

- the College, its employees or students have done something wrong
- the College, its employees or students have failed to do something that they should have done
- the College, its employees or students have acted unfairly or impolitely
- issues of student or employee behaviour that are contrary to the relevant Code of Conduct, including inappropriate staff conduct as reported by a student<sup>4</sup>
- learning programs, assessment and reporting of student learning
- communication with students or parents or between employees
- fees and payments

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<sup>4</sup> Education (Accreditation of Non-State Schools) Regulation 2017 s.16(2)(a)

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- general administrative issues
- issues relating to non-compliance with a process outlined in College policies or procedures, for example the child protection policy, discrimination policy, or privacy policy.<sup>5</sup>

Student complaints may be brought by students or by parents on behalf of their children, as appropriate in the circumstances.

### **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, including allegations of sexual abuse, likely sexual abuse or harm to children should be dealt with in accordance with the law and the College's *Child Protection Policy*.
- Student bullying complaints should be dealt with under the student *Anti-Bullying Policy*.
- Student discipline matters, including matters involving suspension or expulsion, should be dealt with under the *Student Behaviour Management Guidelines*.
- Student or employee violence or criminal matters should be directed to the Principal who will involve the police as appropriate.
- Disputes between board members, between company members and board members or between company members should be dealt with in accordance with the Company Constitution and Board Charter.
- Formal legal proceedings.
- Complaints relating to the education and training services provided by the College to an overseas student should be dealt with in accordance with the *Education Services for Overseas Students Act 2000* and National Code and the College's *Overseas Student's Complaints and Appeals Policy and Process*.

## **RESPONSIBILITIES**

**Rivermount College has the following role and responsibilities:**

- Develop, implement, promote and act in accordance with this *Complaints Handling Policy and Procedure*.
- Appropriately communicate the *Complaints Handling Policy and Procedure* to students, parents and employees.
- Ensure that the *Complaints Handling Policy and Procedure* is readily accessible by staff, students and parents.
- Upon receipt of a complaint, manage the complaint in accordance with the *Complaints Handling Policy and Procedure*.
- Ensure that appropriate support is provided to all parties to a complaint.
- Take appropriate action to prevent the victimisation or action in reprisal against the complainant, respondent or any person associated with them.

<sup>5</sup> Education (Accreditation of Non-State Schools) Regulation 2017 s.16(5)

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- Appropriately implement remedies.
- Appropriately train relevant employees.
  - Complaints handling is an integral part of a Head of School's duties. Each supervisor has a responsibility to identify, prevent and address problems in the workplace.
- Keep appropriate records.
- Conduct a review/audit of the Complaints Register in regular intervals.
- Monitor and report to the College Board on complaints.
- Report to the College's insurer when that is relevant.
- Refer to the College Board immediately any claim for legal redress.

**All parties to a complaint (complainant and respondent) have the following role and responsibilities:**

- Apply and comply with this *Complaints Handling Policy and Procedure*.
- Lodge the complaint promptly as soon as possible after the issue occurs or as otherwise appropriate.
- Expect that the complaint will be dealt with fairly and objectively; in a timely manner; with procedural fairness wherever practicable; that natural justice principles will be observed wherever practicable; that confidentiality and privacy will be maintained as much as possible.
- Provide complete and factual information in a timely manner.
- Not provide deliberately false or misleading information.
- Not make frivolous or vexatious complaints.
- Act in good faith, and in a calm and courteous manner.
- Show respect and understanding of each other's point of view and value difference, rather than judge and blame.
- Act in a non-threatening manner.
- Expect to be appropriately supported.
- Acknowledge that a common goal is to achieve an outcome acceptable to all parties.
- Recognise that all parties have rights and responsibilities which must be balanced.
- Maintain and respect the privacy and confidentiality of all parties.
- Not victimise or act in reprisal against any party to the dispute or any person associated with them.

**Employees receiving and/or managing complaints have the following role and responsibilities:**

- Act in accordance with this policy and the *Enterprise Agreement*.
- Inform the party lodging the dispute of how disputes can be lodged, when they should be lodged and what information is required.
- Provide the complainant with information about any support or assistance available to assist them in lodging their complaint.
- Provide the complainant with a copy of this *Complaints Handling Policy and Procedure*.
- Maintain confidentiality as far as possible.
- Keep appropriate records (refer to Appendix: *Complaint Handling Report*).

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- To forward complaints to more senior employees, including the Principal, if the complaint cannot be resolved at the initial level or if it involves serious issues that require the involvement of more senior employees.
- Not victimise or act in reprisal against the complainant, respondent or any person associated with them.

## IMPLEMENTATION

Rivermount College is committed to raising awareness of the process for resolving complaints at the College, including by the development and implementation of this policy and related procedures, and via the clear support and promotion of these.

The College is also committed to appropriately training relevant employees (especially senior staff) on how to resolve complaints in line with this policy and the related procedures.

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

### Complaint Register

The College will maintain a complaint register with details such as the date, source and description of complaints, the employee managing the complaint, the actions taken, outcome and the date the complaint was closed.

The complaint register will be stored securely.

All complaints shall be entered onto the complaint register as soon as practicable after the complaint is received. The complaint register will not contain complaints about the Principal. Records of complaints about the Principal will be maintained by the Board with access restricted to the Board.

To safeguard confidentiality and maintain the integrity of the complaint process, access to the entire complaint register will be limited to the Principal and the Executive Assistant. The Principal may authorise the sharing of specific, relevant entries from the complaint register with other designated staff members (such as the senior leadership team), provided measures are taken to protect the confidentiality of all parties involved, particularly ensuring that respondents to a complaint do not gain inappropriate access to information about the allegations against them.

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# COMPLAINTS HANDLING PROCEDURE

## STEP 1 – RAISING A COMPLAINT

In the first instance, complainants are encouraged to try to resolve any grievance directly with the relevant person/s concerned (respondent). This may include for example raising:

- learning issues with the class teacher;
- co-curricular issues with the activity leader; or
- a workplace dispute with another staff member.

Issues should be raised with the relevant person/s in a timely manner, preferably within 24 hours of the issue arising.\* If it isn't possible or appropriate to raise directly, the complainant should proceed to directly to Step 2.

The respondent/staff member should endeavour to resolve the issue where possible within a timely way. The respondent should keep a written record of these conversations should it be escalated in future.

*\* Contact details for teachers and College staff may be obtained from Parent Lounge or by contacting the College Administration Office on 07 3287 0000.*

## STEP 2 - FORMALISING THE COMPLAINT/ESCALATION

Where the complainant and respondent have been unable to resolve the grievance themselves, the complainant should formalise the dispute in writing and direct this to the immediate Supervisor (e.g. Year Level Coordinator, Head of Department, Head of School). Documentation should detail what took place including date/s, time/s, place/s, who was involved and any other relevant information. The complainant should state what they would like to see happen as a result of their complaint.

Where the issue involves the Supervisor, the complainant should refer the matter to their Leader Once Removed. Should the grievance involve the Principal, the complainant should refer the matter to the Chairman of the Board via a written letter marked 'Confidential'.

Supervisors will forward a copy of all formal complaints and outcomes to the Principal's Office via the *Complaint Handling Record* (refer to Appendix). These will be recorded in a confidential Complaints Register and reviewed by members of the College Management Team. The Register should contain the following information:

- A unique identifier assigned to the complaint;
- Date when the dispute was lodged;
- Name of complainant (e.g. Student, parent, staff member)
- Brief statement of issue;
- Location of detailed file;
- Member of staff handling the issue; and
- Brief statement of outcome.

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## Managing a Complaint

1. The Supervisor will provide the complainant with a copy of the College *Complaints Handling Policy and Procedure*.
2. The Supervisor will use the Framework<sup>6</sup> below to address the complaint with a view to resolving it expeditiously, normally within two weeks of receipt.

### Resolution Framework

**Acknowledgement Phase** – Confirm receipt of complaint and provide timeframe

**Assessment Phase** - Confirm requested outcome/s with the complainant; Assess the complaint against established criteria, including grounds to decline complaint; Determine what complaint issues should be actioned if so, how and by whom.

**Consideration Phase** - Investigate and consider how to address issue including information gathering, natural justice, reporting and timeframe components.

**Address and Rectification Phase** - Determine the appropriate outcomes/remedies; Address the underlying cause of complaint.

**Communication Phase** - Use an appropriate medium and advise complainant of decision, any actions taken, reasons for decision and review options.

**Closing the complaint** - Record steps to address the complaint, outcome and any follow up action (refer to Complaint Record); Monitor implementation of recommendations.

In any action taken, the Supervisor will ensure procedural fairness for all parties involved, including informing any respondents of the allegations made against them and providing them with an opportunity to respond.

### Remediation

If a complaint is substantiated in whole or in part, the College may offer an appropriate remedy that is fair to all parties. This could include:

- The complainant gaining a better understanding of the situation and no longer being aggrieved.
- The complainant receiving a verbal or written apology.
- The respondent receiving a verbal or written reprimand.
- A review and change of policy, procedure or practices.
- A review and change of work practices or arrangements.
- Mediation services, counselling or other support as appropriate.
- Further training of employees in relevant areas.

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<sup>6</sup> QLD Ombudsman, Complaints Management, March 2021 Policy and Procedure Guide, <https://www.ombudsman.qld.gov.au/improve-public-administration/public-administration-resources/complaints-management/policy-and-procedure-guide>

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- Disciplinary action where the Code of Conduct has been found to have been breached and/or where misconduct/serious misconduct or unsatisfactory performance has occurred.

### **Appeals**

If the complainant believes the grievance has not been resolved to their satisfaction by reference to a Supervisor, they can refer the matter to the Head of School or Principal. The Head of School or Principal will attempt to resolve the matter within two weeks of receiving the grievance and will follow similar procedures as outlined above.

After giving due consideration to the grievance, the Principal may do one or more of the following:

- advise resolution; or
- initiate further investigation into the matter; or
- seek to resolve the matter directly.

Any determination made by the Principal in accordance with this policy and procedure will be final.

### **Monitoring and Reporting**

Following resolution, the Supervisor will monitor the situation for a relevant period of time.

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# RIVERMOUNT COLLEGE

## COMPLAINT FORM

The College encourages all parties to try to resolve any grievance directly with the relevant person/s concerned. For example, situations could include raising:

- learning issues with the class teacher;
- co-curricular issues with the activity leader; or
- a workplace dispute with another staff member.

If you are not satisfied with the outcome, please formalise the complaint in writing and direct this to the immediate Supervisor (e.g. Year Level Coordinator, Head of Department, Head of School, Business Manager or Principal). You may submit this via an email, a letter or use the template below.

Please detail the issue including date/s, time/s, place/s, people involved and what you would like to see happen as a result of this complaint.

<b>Your Full Name</b>	
<b>Phone Number</b>	
<b>Email</b>	
<b>Date</b>	

<b>Date/s of incident/issue</b>	
<b>Time/s of incident/issue</b>	
<b>Who is involved</b>	
<b>Location</b>	
<b>Detail what the complaint is about</b>	
<b>Suspected Cause - What do you believe has contributed to the issue?</b>	
<b>What would you like to see happen as a result of this complaint? (Eg corrective action by the College, possible solutions you feel would help the situation)</b>	