



Bundaberg Christian College
Education with Wisdom

BCC Formal Complaint Policy & Procedures

Amended by SB 2014 05 11

“EDUCATION WITH WISDOM”

“**Wisdom** is supreme; therefore get wisdom. Though it cost all you have, get **understanding**.”
(Proverbs 4:7)

Version 1

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Reviewed by: C Hutchinson and S Brookes

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Respect | Integrity | Servanthood | Excellence

P (07) 4132 5800 F (07) 4159 3618
E info@bcc.net.au W www.bcc.net.au
234 Ashfield Road Bundaberg QLD 4670
CRICOS: 03242B ABN: 36 066 982 974

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PURPOSE

This policy exists to provide a clear **FORMAL PROCEDURE** for parents and staff should they wish to make such a complaint about any matter. The complaint must be in writing to the Principal.

INTRODUCTION

- (a) While Bundaberg Christian College seeks to maintain an environment of respect and partnership amongst those in the College community, there will be times when members of the College community (staff, students, parents) will wish to question or bring complaints against College related behaviours of persons, actions or decisions.
- (b) Most complaints will be able to be satisfactorily remedied **INFORMALLY** through direct communication with staff, subject co-ordinators, pastoral care co-ordinators and /or College leadership. Appointments can always be made with the College Executive to discuss issues.
- (c) Where behaviour of persons is the issue delegated Harassment officers are available to explain both informal and formal options to those wishing to address concerns.
- (d) Additionally, College policies are in place to address and remedy behaviours of specific concern. They include the Child Protection Policy and The Technology (Acceptable Use) Policy. This Policy is to be read in conjunction with those and other College Policies, employment and enrolment documentation. Where there is any inconsistency between this policy and the child Protection Policy, the latter will apply.

SCOPE

This policy covers Formal Complaints about any matter brought by parents and staff of the College. Students over 18 years of age may bring complaints on their own behalf. Formal Complaints concerning Workplace Bullying are also made using this policy procedure.

REFERENCE DOCUMENTS

- a) **Faith** – The College Statement of Faith states our belief that man is made in the image of God and is therefore worthy of respect and valuing.
- b) **Legal** – Behaviours which negatively affects others and makes a workplace unsafe are often illegal as well as unacceptable. The Common Law, Duty of Care and numerous legislative prohibition exist to remedy damaging behaviours including:
 - Queensland College of Teachers Act 2003
 - Anti-Discrimination Act Qld. 1991
 - The Education (General Provision) Act 2006 (as amended)
 - The Education (Accreditation Non-State Schools) Act 2001.
 - The Fair Work Act 2009 as amended

POLICY STATEMENT

- a) The College acknowledges the right of parents (personally or on behalf of students), adult students and staff to seek remedy for concerns and problems they have arising out of behaviour or decisions associated with the College.
- b) All Formal Complaints will be addressed under this policy;
- c) Natural Justice and Confidentiality will be stressed.
- d) Outcomes/consequences for substantiated complaints will be put in place;
- e) Any person whose presence at the College is seen in the reasonable view of the Principal, to be an unacceptable risk to others, will be directed to specific areas, or non-attendance at the College (on full pay) while the complaint is being addressed.

PROCEDURES

- (a) The complainant is required to make the complaint in writing to the Principal.
- (b) The College Harassment Office is available to provide options to the Complainant.
- (c) There are three options available.
 - a) to address the concern informally within the school;
 - b) to make a Formal Complaint under school Policy;
 - c) to make an external Complaint (for Workplace Bullying only) to the Fair Work Commissions.
- (d) The Formal Complaint must be sufficiently particularised to enable the alleged offenders to respond.
- (e) The Complaint, and any other documentation is received by the Principal either directly from the complainant or through the School Harassment Officer.
- (f) The Principal and other senior staff, (with, as necessary, external advice) will decide how best to manage the Complaint. This may include:
 - Handling the complaint under a specific College Policy – if applicable (e.g. the Technology Policy);
 - Conciliation;
 - Commencing internal investigation conducted by appropriate senior staff (Complaints Manager);
 - Engaging an external person to investigate the Complaint.
- (g) The Complaints Manager will meet the alleged Offender/Respondent promptly to inform him/her of the Complaint and to provide him/her with the written allegations and any other relevant documentation.
 - The Respondent will be invited to respond then and there, if he/she wishes and at a later time when and if particularized allegations emerge.
 - Both Complainant and Respondent will be informed of the Process decided upon to address the Complaint.
 - The Respondent will also be given the opportunity and time to respond in writing by a stated time and date.
- (h) Both parties are encouraged to have support persons of their choice at all stages of the proceedings (including the Union). Support persons do not speak – they are not witnesses.
- (i) If conciliation or mediation is supported by both parties then a mediator, accepted as suitable (by the parties) will be appointed.
 - The mediation will take place;
 - Both parties will be requested to support the agreed outcome if any; and

- Both parties will be requested to sign on the outcome agreed upon;
- The matter will be monitored at set intervals subsequently.

If the parties do not agree that mediation is suitable then the matter needs to be investigated (either internally by a delegated Complaints Manager or externally by an engaged investigator).

If internal:

- Relevant members of staff will be interviewed by the Complaints Manager .
- The Complaints Manager will meet with College senior staff to give a summary of the report. This Report must be in writing;
- The Principal and College senior staff (at the discretion of the Principal) including external adviser, will decide on the outcomes and consequences;
- The Principal will put such consequences in place;
- NAMES AND STATEMENTS OF WITNESSES WILL NOT BE SHARED WITH THE PARTIES.

(j) If an investigation by an outside investigator is decided to be appropriate:

- The outside investigator will be engaged by the Principal
- The Investigator will be provided with the written Complaint and any other relevant documentation
- The investigator may attend the school or otherwise contact the parties and witnesses as nominated by complainant, respondent and Investigator;
- All interviewed will be required to undertake to keep confidentiality.

The External Investigator

- a) The External Investigator will provide:
- a Report of the Investigation and Findings as to whether or not the complaint is substantiated;
 - Recommendations – to the Principal – if required.
- b) The Report is privileged to the Principal and Board.
- c) The Principal at his/her discretion, will decide on the most appropriate outcomes in view of the Report the Findings and Recommendations;

The Principal, in writing will inform the Complainant and the Respondent of the outcome and provide the written Report and Findings as to whether not the complaints have been substantiated.

NAMES AND STATEMENTS OF WITNESSES WILL NOT BE SHARED WITH THE PARTIES.

Evidence

Where a Formal Complaint has been lodged the following type of evidence may be relevant, or required:

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

- Records kept by the person who has the concern;
- Whether the evidence was presented by the parties in a credible and consistent manner;
- The absence of evidence where it should logically exist.

Outcomes/Consequences

The Principal will put in place any outcomes necessarily arising out of the Report. These may include disciplinary outcomes for Staff and Students;

- a) Outcomes may include any combination of the following:
 - (i) Counselling
 - (ii) Disciplinary action against the person complained about (eg. demotion, suspension, probation or dismissal);
 - (iii) Official warnings that are noted on the personnel file;
 - (iv) That the complaint was vexatious or malicious;
 - (v) Formal apologies;
 - (vi) Reimbursing any costs associated with the issue of concern;
- b) Outcomes decided upon will depend on factors such as:
 - (i) The severity and frequency of the issue causing concern;
 - (ii) The weight of the evidence;
 - (iii) The wishes of the person who is making the complaint;
 - (iv) Whether the person causing the problem could have been expected to
 - (v) know that such behaviour was a breach of policy/professional conduct;
 - (vi) The level of contrition;
 - (vii) Whether there have been any prior incidents or warnings.
 - (viii) Whether or not there are legislative obligations
- c) Disciplinary outcomes will apply to anyone who brings a complaint which is considered vexatious or without any basis.

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.

The decision of the Principal marks the end of the Formal Complaint Process offered by the College.

Harassment/Complaints Officer

Harassment/Complaints Contact Officers:

- Provide a 'first point of contact' for people with enquiries related to Complaints about behaviour (discrimination, harassment and bullying) or other College related concerns.
- Provide information about College Policies and resolution procedures, both internal and external to the College.
- Undertake awareness-raising in the workplace about the College's Policies and Procedures as appropriate.
- Assist parties to work towards a solution either informal/formal or internal/external.
- Alert the Principal to any issues/problems as they arise.

Harassment/Complaints Contact Officers will:

- Have a commitment to and understanding of social justice and equal opportunity.

- Provide accurate information about options.
- By their own behaviour, act as a role model to other staff and students.
- Be proactive in promoting a discrimination and harassment free environment.
- Be discreet and maintain confidentiality unless otherwise required by law.

The Officer will NOT:

- Engage in advocacy on behalf of an individual
- Undertake mediation or investigation personally
- In any way become involved in the resolution process other than as described
- Act in situations where they may be a conflict of interest.

NB. Under amendments to the Fair Work Act (2009) any worker who considers they are being bullied at work may make an Application to the Fair Work Commission for an Order to “stop the bullying”. Informal and Formal College processes do not have to be made as a pre-condition to the making of an Application to the Commission.

REVIEW

This Policy will be reviewed every three years or as required by legislation.