



ILLAWARRA  
CHRISTIAN  
EDUCATION



## Complaints Framework: 2

### Complaints Handling

### Procedure



CEN  
HUB  
NSW & ACT

Prepared by	CEN Hub Compliance Officer
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## Version History

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1.0	October 2019	New Illawarra Christian Education Policy from CEN Hub Policy (Illawarra Christian School and Calderwood Christian School)
1.1		



Illawarra Christian Education (Illawarra Christian School and Calderwood Christian School)  
Mission: In Christ's service to partner with parents in providing a quality Christian Education founded on the Word of God.

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## Important related documents:

See Complaints Framework 1 Complaints Management

## Relevant Legislation:

See Complaints Framework 1 Complaints Management

## Other References:

See Complaints Framework 1 Complaints Management

## 1 INTRODUCTION

References to Illawarra Christian Education below include reference to its schools Illawarra Christian School and Calderwood Christian School.

Professional receipt and handling of complaints is an important aspect of school community relations in which all staff may become engaged from time to time.

Staff are required to be thoroughly familiar with the school's principles and practices of complaints management, which are detailed in the Complaints Framework documents and associated policies and procedures.

All staff must comply with the requirements of the Child Protection policy and the Staff Code of Conduct.

## 2 CHRISTIAN RATIONALE

The heart of the complaint handling process is the protection and nurturing of relationships between people in the school. The root cause for a complaint may even be symptomatic of strained relationships and conflicts which have not been addressed.

As a Christian community, staff, parents, students and other stakeholders are exhorted to act in ways that honour God in relationships, actions and speech. Each is expected to demonstrate love for one another as the family of God, and seek the building up of the body of Christ. Finally, we aim to advance the kingdom of God through working together towards the vision of the school, to make it a place of integrity and hope within the community.

*Be completely humble and gentle; be patient, bearing with one another in love. Make every effort to keep the unity of the Spirit through the bond of peace. Ephesians 2:4-5.*

## 3 PURPOSE OF THIS DOCUMENT

This document sets out procedures for all staff, and relates to the Complaints Framework 1 Complaints Management; 3 Staff Grievances; 4 Procedural Fairness Statement; 5 Investigation Procedure.

## 4 TABLE OF RESPONSIBILITIES

<b><i>Responsibilities</i></b>	<b><i>Evidence of Compliance</i></b>
<b>Board</b>	
Determine appeals of complaints decisions	Complaints & investigation records
Review Complaints Register	Principal's report
Analyse trends & ensure continuous improvement	Board minutes
Investigate complaints against the Principal	Complaints & investigation records
<b>Principal</b>	
Encourage environment where feedback is handled professionally	Staff PD Training Log; Information to stakeholders
Maintain effective complaints handling procedures	Complaints & investigation records
Investigation of serious complaints	Complaints & investigation records
Review of decisions (appeals)	Complaints & investigation records
Ensure appropriate action following decision	Complaints & investigation records; Reports
Report to Board on complaints, trends and responses	Board reports; Annual Report
Identify issues to ensure continual improvement	Board reports; Annual Report
<b>Section Coordinators</b>	
Ensure complaints management followed by staff	Complaints forms; Complaints Log; Complaints Register
Role in investigation & resolution of complaints	Investigation Plans
Role in continuous improvement	Reports; Procedural changes
<b>Teachers</b>	
Identifying & responding to complaints	Personal log
First level resolution of complaints	Complaints Forms; Complaints Log
<b>Front Office</b>	
Identifying & recording complaints	Complaints Forms
Direction of complaints to appropriate staff	Complaints Forms
<b>Students</b>	
Follow procedures for complaints	Complaints Form; Complaints Log
<b>Parents and school community</b>	
Follow procedures for complaints	Complaints Form; Complaints Log

## 5 DEFINITIONS

The following definitions apply to these terms for the purpose of these framework documents; and the complaints and grievances procedures followed within the school.

**Feedback:** opinions, comments, expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about the school, its services, staff, or its handling of a complaint

**Complaint:** the school will treat a matter as a complaint where it:

- Is an expression of concern, dissatisfaction or frustration with the policies, procedures or quality of service provided by the school, or the conduct of an employee
- Is an expression of concern regarding an incident within the school, or a safety matter
- Alleges misconduct, a breach of policy, or corruption on the part of an employee
- Is an expression of offence or detriment as a result of a decision of the school
- Is an expression of dissatisfaction with a decision of the school, or how the decision was made

Complaints may be oral or written. Written complaints include those sent by letter, fax or email.

**Allegation:** a complaint alleging misconduct or corruption which may involve issues of integrity or other matters which have the potential to seriously compromise trust, and the school's professional reputation. Examples include:

- Theft or misuse of resources
- Corrupt behavior
- Behaviour which is in breach of legislative requirements or school policy, or which may otherwise be detrimental to the reputation of the school

**Grievance:** an actual or perceived wrong considered as grounds for a complaint – may relate to workplace issues between employees, issues of concern to parents, students or community members

**Harassment:** any form of ongoing behaviour that is not welcome, not asked for or returned, that offends, intimidates or humiliates a person

**Complainant:** any person making, or bringing, a complaint or allegation

**Vexatious Complainant:** unreasonably persistent; or because of the frequency or nature of the complaint, hinders consideration of their, or other people's, complaints

**Respondent:** person requested to respond to complaints made about them

**Witness:** person bringing evidence

**Stakeholder:** person or group having an interest in the performance or success of the school

**Investigation:** the process by which a situation is examined, facts are established and verified. Evidence is gathered, such as witness statements and documentary proof, to be able to make a decision.

**Procedural Fairness:** the principles of procedural fairness guide fair and reasonable decision-making procedures when a decision may adversely affect the rights, interests or legitimate expectations of an individual.

There are two basic common law rules:

- the 'hearing rule' - the right to be heard, which includes the right to:
  - Know the case against them, including specific allegations and any other information which will be taken in to account
  - Know the way in which the issues will be determined
  - Respond to the allegations
  - Know how to seek a review of the decision in response to the allegations
  
- the 'bias rule' - the right to an impartial decision, which includes the right to:
  - Impartiality in the investigation and decision making phases
  - An absence of bias in the decision maker

**Bias:** may occur when a decision-maker is in some way predisposed to a particular result, or is closed with respect to particular issues – and as a result lacks impartiality or neutrality.

## 6 GENERAL

Further information is found in: Complaints Framework 1 Complaints Management

This procedure addresses all members of staff: to the extent of their job description and delegated authority.

### 6.1 General Interpersonal Approaches to Handling Complaints

Treat all complaints professionally: acknowledge its importance; respond, don't react; and be fair.

- Speak directly to the person bringing the complaint.
- Treat them with genuine empathy, courtesy, patience, honesty and fairness.
- Do not make any negative comments.
- Respond to the complaint quickly.
- Tell them how you will handle the complaint; or, if the complaint is referred, what will happen next.
- Listen intently, ask questions to clarify, and summarise back to the person your understanding of what they've said.
- Thank them for raising their concern with you.
- Don't jump to conclusions, lay blame or become defensive.
- Focus on solutions and involve the person in developing them. Negotiate a solution that is to everyone's satisfaction.
- Keep the person updated on progress; act quickly on promises and inform them when an action is completed.

- Tell them how the school will prevent the issue from happening again.

## 7 TIMELINE FOR COMPLAINTS PROCESS

Timeframe for Complaints Process			
STEP	SUMMARY	TIMEFRAME -within school term	RESPONSIBILITY
Receipt & Acknowledgement	Acknowledge receipt of complaint – letter, email, phone; Log complaint	5 working days	Staff member Coordinators
Initial Assessment	Assess complaint – severity, safety, complexity, impact, need for immediate action; Refer if necessary	5 working days	Staff member Coordinators
Consideration & Investigation	Plan to address the issues; Notify parties including timeframe	Within 5 w. d.	Investigator
	Obtain written reply from Respondent		Investigator
	Investigate circumstances & information Arrange interviews etc Consider all information	Up to 20 w.d. for complex complaints	Investigator
	Ongoing communication with all parties; Notification if > 20 working days to resolve		Investigator
Resolution & Response	Written response to complainant	Within 5 w.d. of reply of Respondent	Investigator
	Monitor progress till complainant satisfied/ all avenues exhausted; Negotiation/ decision if not resolved	Within 5 w.d. of breakdown of negotiation	Senior Executive
	Close complaint; ensure all records filed	Within 5 w.d of close	
Action	Immediate Remedy	Within 5 working days of decision	
Service Improvement	Identify improvements Analyse to ID systematic, recurring, single incidents & trends to eliminate causes	As required Action within 1 month of review	Senior Executive
Reporting & Evaluation	Complaints Log Complaints Register	As required	Coordinators
	Report to Board Annual Report	Monthly March	Principal Business Manager
Total Timeframe	From Complaint to Resolution	Within 7 weeks	
Appeal	Written request for appeal	Within 10 w.d. of notification of resolution	



	Plan to address the issues; Notify parties including timeframe	Within 5 w. d.	Appeals Committee
	Review and consideration of investigation	Within 10 w.d.	Appeals Committee
	Result of appeal	Within 15 w.d of receipt by Principal	Principal
Resubmission	Only if relevant new information which may affect the outcome		

## 8 RECEIPT OF COMPLAINTS

### 8.1 Capture

- (a) If a person you are speaking with raises a matter expressing dissatisfaction with some aspect of the school, ask them specifically 'Do you want to make a complaint?'. Explain how they may do so. (Refer to: 'How to Make a Complaint at Illawarra Christian Education') Inform your coordinator if the issue is, or may be, significant.
- (b) Record all complaints made over the phone, or in person, by noting: name and contact details of person making complaint, nature of complaint, who to direct the complaint to, desired outcome/ resolution. (Complaints Form CFF1)
- (c) Retain written or emailed complaints in the complaint file, along with any other information.
- (d) Direct complaints to the person about whom the complaint is made; or as indicated by the person making the complaint.
- (e) Forward completed Complaints Forms, or non-directed complaints, to the Business Manager. Seal confidential or sensitive complaints in an envelope and mark 'Confidential'.
- (f) Maintain good communication with complainants, and seek to finalise the matter as quickly as possible.
  - If a complaint is received in writing, acknowledge receipt.
  - Outline how the complaint will be handled.
  - Offer a time frame (within a week) for responding to the complaint.
  - Listen, question, reflect & summarise.
  - Contact the person again if the resolution will be delayed.
- (g) Keep all information confidential to those handling the complaint.

## 8.2 Assessing Complaints

Consult with the relevant Coordinator for complaints which cannot be handled quickly at the first point of contact.

Determine how the complaint is handled by:

- (i) Assessing the seriousness of the complaint. (see Complaints Summary Table Section 11)  
Level 1- simple; mostly informal; resolved at first point of contact  
Level 2 – more complex; formal complaints management process - requires consultation/ further inquiry  
Level 3 – serious matters; formal complaints management process - significant or legal implications
- (ii) Assessing the appropriateness of each option for resolution
- (iii) Keeping the resolution as close to the source of the complaint as possible

## 8.3 Clarify the Matter of Concern

When a complaint or allegation has been received:

- (a) Ensure any immediate action is taken for the safety or well-being of students and other persons.
- (b) Ensure that full details of the concern have been recorded.
- (c) Consult with Coordinator, as required.
- (d) Determine the most appropriate course of proceeding, according to the Level of the complaint.
- (e) Check the facts before you next address the person.
- (f) Know when to refer.

## 8.4 Consider Ethical Issues

Bear in mind other issues that may come to bear in this matter, e.g.:

- Conflict of Interest
- Procedural fairness
- Confidentiality
- Impartial & objective attitudes & processes
- Cultural sensitivity
- Assistance required e.g. interpreter; disability provisions
- Students with special needs - assistance according to an individual plan

## **9 RESOLUTION**

### **9.1 Level 1 Resolution of Complaints**

Informal resolution of complaints (Level 1) is preferred when possible

- Generally, both parties need to: acknowledge the existence of the problem; be prepared to be conciliatory; and recognize that resolution may require compromise on both sides.
- Identify the issue/ problem.
- Apologise: both for the error or event; and for the impact on the other person.
- Determine the best solution.
- Keep a written record of the issue and the outcome.
- Act on decision made; within the appropriate timeline.
- Proceed to formal processes if unsuccessful.

### **9.2 Level 2 or 3 Resolution**

More complex matters (Level 2 or 3) must be discussed with your Coordinator, to plan the way forward. See: Complaints Framework 4 Procedural Fairness Statement; 5 Investigation Procedure

- (a) If required, participate in the development of an Investigation Plan (CFF 2) to guide the proceedings. Use the Investigation Checklist (CFF3)
- (b) Communicate the concern to the Respondent for their reply.
- (c) Communicate the process of handling the investigation, and the expected time for the response, to all parties. If the investigation is delayed, inform all parties.

### **9.3 Risks of Unfair or Inadequate Investigations**

- Harm to a student or other person
- Inaccurate/ unfair outcomes
- Unfair dismissal process; and claims for damages
- Damage to relationships across the school community
- Damage to the reputation of the school
- Litigation

### **9.4 Gather Information**

- (a) Ensure sufficient evidence to determine the facts of the matter.
- (b) Obtain accounts from the complainant, the respondent, and any witnesses to the event.
- (c) Maintain notes of interviews, phone calls and meetings. Retain all records. Use a minute-taker with no other connection to the investigation for meetings.

- (d) Examine any supporting documents, and retain copies.
- (e) Retain any material evidence; take photos for the file.
- (f) Create a Complaint File on a secure server for the gathered documentation.

### **9.5 Support Person**

Offer, to either party to the investigation, their right to be attended by a support person.

The role of the support person is to accompany and observe, but not to interrupt the meeting. The support person should not answer questions on behalf of the person they are accompanying, and must maintain confidentiality about all matters discussed at the meeting.

### **9.6 Decision-Making**

- (a) Seek advice as necessary: section Coordinator, the Principal or Board; other agencies, or legal advisors.
- (b) In serious matters, appoint a decision-maker (usually the Principal) who has not been involved in the investigation.
- (c) Make the decision based on the evidence presented. It must be more probable than not that the allegations are likely true. The more serious the allegation the higher the degree of probability required.
- (d) The decision may be:
  - that the complaint is justified
  - that the complaint is not justified
  - that the outcome cannot be verified
- (e) Communicate the final decision in writing to both parties; informing them how they may appeal.
- (f) Communicate the school's actions in resolving the matter, and the likely timeline for action.

## 10 CLOSE OF COMPLAINT

### 10.1 Closing the Complaint

- (a) Ensure that the agreed action has been completed.
- (b) Ensure that any required changes to policy or procedures have been made.
- (c) Contact the complainant within five (5) working days of the final decision to ask if they are satisfied with the process and decision.
- (d) Close the complaint on the Complaint Log.

### 10.2 Record keeping

- (a) Keep appropriate records of every complaint. See Complaints Summary Table, at end of document.
- (b) Records include: the description of the complaint, supporting documents if any; photos of material evidence; notes of informal discussions; immediate action taken; conclusions of the investigation; action following the investigation; and all written communication from the school.
- (c) Store records securely to prevent unauthorised access, damage or alteration, and to maintain confidentiality.

**Records shall be kept for seven (7) years after the date of last action, or as required by legislation, or as determined advisable by the school.**

### 10.3 Complaints Log or Register

Level 2 Complaints are recorded on the Complaints Log. (coordinators computer file)

Level 3 Complaints are recorded on the Complaints Register. (secure computer file)

Entries should be made as soon as practicable.

Indicate the status of the process; and the date of finalization when the matter is completed.

### 10.4 Reporting

Report **Level 1** matters to the Coordinator regularly to identify any patterns of issues or problems occurring.

Report **Level 2 and 3** to the Coordinator as soon as possible to facilitate rapid resolution.

Coordinators shall keep the Senior Executive informed about Level 2 and 3 complaints; and whether procedures are being maintained.

The Principal shall report complaints to the school board with respect to:

- all Level 3 complaints
- the status of other existing complaints
- summary of complaints by key stakeholders
- analysis any particular trends or systemic issues
- corrective actions that have been put in place

### **10.5 Review of Complaint Handling Process**

- (a) The complaint handling process should be reviewed by individual staff members:
- Self-analysis of general complaint handling skills
  - Identify poor outcomes
  - Examine procedures & personal skills
  - Consult with coordinator to address areas for development and identify appropriate PD
- (b) The complaints management system shall be regularly audited by the Compliance Officer to ensure good practice.

## **11 PERSONAL COMPLAINTS**

### **11.1 When a Complaint is Brought Against You**

- (a) Consider the level of the complaint.
- (b) If the complaint can be addressed informally (Level 1):
- Identify the issue and how it occurred
  - Apologise for any behaviour that has distressed the other party
  - Explain your point of view
  - Consider the other person's point of view
  - Determine a suitable outcome
- (c) If the complaint indicates a systemic problem, or one that you don't have the resources or authority to resolve, report the matter to your coordinator.
- (d) If the complaint is in regard to a serious matter (level 2 or 3), ask the person to put it in writing.
- Report the matter to your coordinator.
  - Consider all allegations and evidence.
  - Prepare your response, with any supporting evidence.

- Have a support person for meetings. The support person may be a union representative.
- (e) Keep records and file appropriately.

## 11.2 Personal Development

- Recognise when a complaint is an opportunity to review your behaviour if that has been perceived as unsuitable or hurtful to another; or to reconsider whether your work can be improved.
- Consult with your Coordinator about opportunities to further develop your professional or interpersonal skills.
- Maintain humility and sensitivity to God about what He is teaching you about becoming more like Christ in your workplace. Seek counsel of a senior staff member, the Chaplain, your minister, or other trusted spiritual advisor.
- Commit to practices which promote your physical, emotional and spiritual well-being.

**12 SUMMARY****12.1 Complaints Summary**

Level	Description	Report to	Records	File
1	Simple, minor matters Generally dealt with at point of contact	Coordinator/ or Immediate Supervisor	Keep notes  All student issues	Staff member's personal file SchoolPro
2	Unable to be resolved at point of contact and/ or require consultation Escalated issues More serious matters or potential consequences Legislative implications or potential e.g. WHS, anti-discrimination acts, Privacy May require investigation	Coordinator/ or Immediate Supervisor; Deputy Principal/ or Business Manager	Keep file of complaint, other evidence, discussions, investigation, actions taken  Coordinator/ Exec maintain log	Coord:Complaints/ Complaints Files Reference student matters in SchoolPro  Coord:Complaints/ Complaints Log
3	Escalated complaint without resolution Repeated complaints Major legislative implication e.g. anti-discrimination acts; WHS; Education Act; Privacy; crime Requires significant investigation Requires involvement of Principal Principal reports to Board May require external agency referral, investigation or review May require legal advice/ action	Coordinator/ or Immediate Supervisor; Senior Executive; Board	Keep file of complaint, other evidence, discussions, investigation, statements, proceedings, actions taken  Business Manager maintains register	Chubb:Complaints/ Complaints Files Reference student matters in SchoolPro  Chubb:Complaints/ Complaints Register



12.2 Complaints Handling Flowchart

COMPLAINTS HANDLING FLOWCHART

