

# Complaint Policy

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## POLICY STATEMENT

Concordia College recognises that there may be times when grievances arise within the College Community regarding the members or the operations of the College.

## RATIONALE

Concordia College exists to be a caring and supportive Christian community that acts in the spirit of grace because we recognise God's love for us. As a caring community, members actively look for opportunities to support one another to learn and grow.

Concordia College is committed to working in an open and active partnership with all members of its community to resolve any grievances and complaints that arise. The process for addressing grievances and complaints is based on principles of natural justice, procedural fairness, and restorative practice. The intention is to support all members of the community to achieve a timely, just and fair resolution.

## DEFINITIONS

- **Grievance/Complaint:** an expression of dissatisfaction, displeasure or criticism about a particular incident, judgement or situation made against an individual or group.
- **Procedural Fairness:** is concerned with the procedures used by a decision maker, rather than the actual outcome reached; it is highly likely that a decision-maker who follows a fair procedure will reach a fair decision. Procedural fairness is underpinned by the principles of natural justice and involves ensuring that investigation and decision-making processes are consistent between individuals and grievances/complaints, however, the resolution reached may be different depending on the findings of an investigation and other factors considered during decision-making processes.
- **Natural justice:** an unbiased process that allows all parties to be heard and informed. It is underpinned by two rules; the fair hearing rule and the rule against bias (decisions made with the counsel of others, not in isolation from an individual).
- **Restorative practice:** a process by which the healing of relationships between community members is at the center of the complaint management process.
- **Reporting:** informing a member of College staff about a particular grievance or complaint
- **Investigation:** a process of gathering relevant information regarding a grievance or complaint
- **Resolution:** an outcome or future course of action that is either agreed upon by all parties, or if not agreed upon, is determined appropriate by a mediating party.
- **Balance of probabilities:** in situations where there are different versions of truth which cannot be clearly discerned, decisions are made on the balance of probabilities, meaning the version of truth that is 'most probably true'.

## POLICY PRINCIPLES

1. The safety and wellbeing of all parties involved is paramount
2. Grievances/complaints will be considered in a timely, consistent and impartial manner
3. All parties involved have the right to be treated with respect and courtesy
4. All parties are expected to adhere to confidentiality and respect the privacy of those involved
5. All parties provide full and accurate information of any event of incident
6. All parties work to facilitate respectful communication and openness to others
7. The rights and responsibilities of all parties are balanced in seeking a mutually acceptable outcome where possible
8. All parties are open to participation in restorative practices
9. The party for which a grievance/complaint is lodged has:
  - the right to know the matter alleged
  - the right to respond to the matter alleged
  - the right to access support in responding to a matter alleged
  - the right for decisions to be made on 'the balance of probabilities', using relevant information with a sufficient standard of proof

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## SCOPE

The policy applies to all members of the College community, and individuals outside of the College community who wish to raise a grievance/concern.

## IMPLEMENTATION

- Accessible to all members of the community and public
- College Leadership Training in its use

## RESPONSIBILITIES

### *Head of College:*

- Ensure that a clear and fair process by which complaints can be lodged and addressed is in place.
- Ensure that sufficient College resources are provided to support this policy
- Ensure that compliance is enacted

<b>APPROVED AUTHORITY:</b>	Concordia College Board
<b>RESPONSIBLE OFFICE:</b>	Head of College
<b>IMPLEMENTATION DATE:</b>	June 2024
<b>LAST POLICY REVIEW:</b>	June 2024
<b>NEXT REVIEW DATE:</b>	June 2027*

\*Unless otherwise indicated, this policy will still apply beyond the review date. This policy will also be updated as required due to any changes in legislation etc.

**This policy links to all other College policies.**

## PROCEDURE: COMPLAINT MANAGEMENT

### Reporting

1. Members of the community are encouraged to raise any grievance/complaint directly with the relevant person(s) in the first instance, if they feel they are able to do so, to seek an agreed upon resolution.
2. Members of the community can **informally report** a grievance/complaint. This may be appropriate if a person does not want to engage in a formal process, or, is a witness to a situation rather than directly impacted. In this instance an informal resolution will be sought which focuses on resolution rather than proof and substantiation. Informal resolutions include managing the grievance/complaint with guidance rather than direct involvement from the College, conciliation, mediation and/or counselling.
3. Members of the community can choose to **formally report** a grievance/complaint. This requires the alleged grievance/complaint to be substantiated through an investigation, or, parties to be brought together to reach an agreed version of events and/or satisfactory resolution.
4. Complaints regarding students should be directed to the relevant School Leader.
5. Complaints regarding staff should be directed to the relevant Campus Principal.
6. Complaints regarding campus matters/operations should be directed to the relevant Campus Principal.
7. Complaints regarding Campus Principals or Directors should be directed to the Head of College.
8. Complaints regarding the Head of College should be directed to the Chair of the College Board.

### Investigation (Formally Reported Complaint)

1. An investigation will be undertaken when a complaint is formally reported. This will involve speaking to the parties involved to obtain an understanding of what has occurred. The member(s) of staff conducting the initial investigation will ensure the right to know matters alleged, the right to respond to matters alleged, and the right to access support in responding to matters alleged.
2. Information that is collected during the investigation will be documented; a summary of information collected during the investigation will be provided to parties as appropriate.

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3. The College will endeavour to obtain a version of events which is agreed upon by all parties. When this is not possible, the version of events will be decided on the balance of probabilities; insituations where there are different versions of truth, or inconclusive or competing information, the College will consider the information and decide on the version of truth that is most *probably true*.
4. For some complaints/grievances, the College may be required to consult other relevant guidelines, procedures, legislation, and/or follow the direction of other external agencies, such as the Department of Child Protection or the Police.

### **RESOLUTION (FORMALLY REPORTED COMPLAINT)**

1. Decision-making processes regarding resolution of a grievance/complaint will be consultative to ensure the rule against bias is upheld.
2. Where possible, the College will endeavour to reach a resolution which is agreed upon by all parties. In instances where this does not occur, the College will decide on the most appropriate resolution on the basis of information collected during the investigation.
3. Resolutions may be determined with respect to other College policies, external guidelines, and/or relevant legislation.
4. Individual circumstances may be considered when determining a resolution, and a reasonable adjustment may be required. When determining if an adjustment is reasonable, consideration is given to the impact of the adjustment on the parties involved, anyone else effected (such as the College and other members of the community), the costs of making an adjustment vs. potential benefit of the adjustment, and whether the adjustment can be provided, or outcomes achieved, within a reasonable timeframe.
5. A grievance/complaint may be withdrawn at any stage of the investigation and resolution process. If a grievance/complaint is withdrawn, the matter will be considered resolved.
6. Any resolutions reached for a particular grievance/complaint are not binding or precedential for future grievances/complaints responding to matters alleged.

### **COMMUNICATION & RECORD KEEPING (FORMALLY REPORTED COMPLAINT)**

1. Information collected during the investigation and a summary of the resolution will be recorded and stored on an internal complaints register, that protect the privacy of the parties concerned.
2. At the conclusion of a process, it is appropriate to directly inform those members of our community who have a direct connection to the matter.
3. If the media become involved in a matter, the Head of College, or their nominated delegate, is the only person who has permission to speak on behalf of the College.

### **RIGHT OF APPEAL (FORMALLY REPORTED COMPLAINT)**

1. Any party can appeal a resolution to a grievance/complaint to a more senior member of staff.
2. The Head of College acts as the most senior member of staff for which grievances/complaints are appealed to. As a general rule, the Chair of the College Board and members of the College Board are not directly involved in the first instance of a grievance/complaint, other than for grievances/complaints arising with the College Board itself, or, grievances/complaints regarding the Head of College.
3. The Department for Education/Minister for Education does not have power to intervene directly with grievances/complaints relating to the operations of non-government schools.