

# NGARUKI GULGUL LIMITED

*'Standing Strong' in Darkinyung Language*

*Trading as:*



## **Policies and Procedures** **COMPLAINT AND COMPLIMENT** **MANAGEMENT**

## CONTENTS

<b>COMPLAINT AND COMPLIMENT MANAGEMENT</b> .....	<b>1</b>
<b>1. PURPOSE</b> .....	<b>3</b>
<b>2. SCOPE</b> .....	<b>3</b>
2.1. WHISTLEBLOWING COMPLAINTS .....	4
2.2. RELATED POLICIES .....	4
2.3. CONFIDENTIALITY .....	4
<b>3. DEFINITIONS</b> .....	<b>4</b>
<b>4. SCHOOL RESPONSIBILITIES AND REQUIREMENTS</b> .....	<b>5</b>
4.1. THE PRINCIPAL IS RESPONSIBLE FOR:.....	5
4.2. MANAGERS AND SUPERVISORS ARE RESPONSIBLE FOR: .....	5
4.3. COMPLAINANTS ARE RESPONSIBLE FOR: .....	6
<b>5. COMPLAINT HANDLING PRINCIPLES</b> .....	<b>6</b>
5.1. THE FOLLOWING PRINCIPLES UNDERPIN THE SCHOOL’S COMPLAINT HANDLING PROCESSES:.....	6
5.1.1. NATURAL JUSTICE AND PROCEDURAL FAIRNESS.....	6
5.1.1.1. ENSURING THAT ALL PARTIES KNOW WHAT TO EXPECT DURING THE PROCESS. ....	7
5.1.1.2. CARRYING OUT THE COMPLAINT HANDLING PROCESS IN A TRANSPARENT MANNER. ....	7
5.1.1.3. ALL PARTIES HAVE EQUAL OPPORTUNITY TO PARTICIPATE IN THE PROCESS. ....	7
5.1.1.4. TREATING ALL PARTIES IN A RESPECTFUL MANNER; AND .....	7
5.1.1.5. PROVIDING REASONS FOR DECISIONS MADE. ....	7
5.2. EQUITY .....	7
5.3. CONFIDENTIALITY AND RECORD KEEPING.....	7
5.4. RESOLUTION .....	7
5.5. AUTHORITY.....	8
5.6. CONFLICT OF INTEREST .....	8
<b>6. PROCEDURES</b> .....	<b>9</b>
6.1. FEEDBACK PROCEDURES.....	9
6.2. RAISING A COMPLAINT .....	9
6.2.1. THE COMPLAINANT.....	9
6.2.2. THE SCHOOL.....	10
6.3. ASSESSING A COMPLAINT .....	10
6.4. MANAGING A FORMAL COMPLAINT .....	10
6.5. COMPLAINT RESOLUTION .....	10
6.5.1. PRELIMINARY ADVICE TO THE COMPLAINANT .....	10
6.5.1.1. OPTION 1 – RESOLUTION THROUGH CONCILIATION.....	11
6.5.1.2. OPTION 2 – RESOLUTION THROUGH AN INTERNAL INVESTIGATION .....	11
<b>7. REFERRAL OF COMPLAINTS</b> .....	<b>12</b>
<b>8. CONTACT</b> .....	<b>12</b>
<b>COMPLAINTS PROCEDURE FLOWCHART</b> .....	<b>13</b>

## 1. PURPOSE

We welcome your compliments, complaints and suggestions in order to provide an excellent service. Any person may provide us with feedback or make a complaint regarding any aspect of our education, services, programs, policies or procedures.

When a person wants to make a complaint, we will make sure their views are respected, that they are kept informed as the complaint is dealt with and have the opportunity to be involved in the resolution process.

This policy applies to all clients, participants and stakeholders of Ngaruki Gulgul Central School hereafter named `NGC'. The purpose of this policy is to:

- 1.1. Inform each person of their right to complain and work with the person, their families and carer to try and resolve the issue.
- 1.2. Provide a safe environment for each person to make a complaint.
- 1.3. Ensure that there are no negative consequences or retribution for any person who makes a complaint and/or no threats are made to take detrimental action against anyone who complains or intends to complain as this is a criminal offence.
- 1.4. Support participation in the complaint handling process of any person wanting to make a complaint and work with the person to identify the desired goal.
- 1.5. Treat each person making a complaint in a manner that protects their privacy and respects confidentiality.
- 1.6. Provide fair, objective, effective and timely resolution of complaints.
- 1.7. Keep each person informed at all stages of the decision-making process concerning their complaint and the reasons for those decisions.
- 1.8. Inform each person of their right to complain to an external body.
- 1.9. Define what complaints can be handled under this policy.
- 1.10. Ensure concerns and complaints are handled impartially, justly, confidentially and with the appropriate sensitivity.
- 1.11. Define the responsibilities and rights of all parties.
- 1.12. Enable the school to respond to its changing environment and adapt any systems, processes and approaches that may be identified as an issue as part of any complaint or complaint process.

## 2. SCOPE

This Policy applies to all clients/customers and external stakeholders, and employees, volunteers, of NGC. All parties have the right to have any complaint addressed.

## 2.1. Whistleblowing complaints

This policy does not extend to complaints which are whistleblowing disclosures.

The procedure for processing whistleblowing complaints are dealt with in the school's whistleblowing policy.

In summary a whistleblowing disclosure is a disclosure which:

- is made by a board member, staff member, a person who supplies goods or services to the school, including a volunteer, an employer of a supplier or a relative of any of these people;
- involves alleged misconduct, an improper state of affairs or circumstances, or illegal activity, and
- is made to a senior staff member, or officer of the school, the school's auditor or a person who the school has authorised to collect such disclosures.

## 2.2. Related policies

Complaints about reportable conduct will be addressed in accordance with the school's Child Protection Policy.

Complaints regarding a grievance between staff members about work matters, including work relationships and decision made by other staff members which impact on their work, are addressed in accordance with the school's Staff Grievance Policy.

Complaints regarding unlawful discrimination, harassment or bullying between staff are addressed in accordance with the school's Discrimination, Harassment and Bullying Statement in the HR Handbook and Code of Conduct.

## 2.3. Confidentiality

All parties involved in complaints handling are required to maintain appropriate confidentiality, including in relation to handling and storing records.

## 3. DEFINITIONS

### Feedback

Feedback is information about reactions to a product or service, a person's performance of a task, the programs offered and the school generally which is used as a basis for improvement.

### Complaint

A complaint is any expression of dissatisfaction made to an organisation related to its services or service quality, decisions, policies, procedures, charges or fees, employees, or the complaint handling process itself, where a response or resolution is explicitly or implicitly expected. (*Standards Australia: Guidelines for complaint management in organisations (AS/NZS 10002:2014)*)

This includes educational and/or operational matters relating to services provided by the school or the behaviour or decisions of a staff member, contractor or volunteer, including misconduct.

The school will seek to resolve complaints informally where possible but acknowledges that in some cases a person may wish to make a formal complaint.

### Grievance

A grievance is a formal complaint raised by an employee to the employer. It is a matter to be investigated according to formal grievance processes. This includes complaints which are not able to be resolved through informal processes or mediation, and matters relating to allegations of misconduct where disciplinary action against a worker may be an outcome of the investigation.

## **4. SCHOOL RESPONSIBILITIES AND REQUIREMENTS**

### **4.1. The Principal is responsible for:**

- Providing leadership in demonstrating a commitment to the resolution of complaints.
- Making any final decisions relating to complaints.
- Providing independent impartial advice and assistance to managers or supervisors who have received and are handling a complaint.

### **4.2. Managers and Supervisors are responsible for:**

- Overall management and monitoring of complaints handling within their programs.
- Exercising primary responsibility for receiving and resolving complaints and any conflict in their areas in a timely and fair way.
- Advising people of their right to make a complaint where appropriate.
- Providing advice and assistance to people who have a complaint.
- Providing independent impartial and confidential information to complainants about the procedure for dealing with complaints including listening to the issues and helping the person clarify the facts.
- Conducting internal reviews of complaints in both process and content.

- Identifying systemic issues arising from complaints and making recommendations to management.
- Responding to complaints.

#### 4.3. Complainants are responsible for:

- Providing a clear and honest account of their concerns and their expectations for the outcome of their complaint, including providing all relevant information and documents to assist in the investigation and/or resolution of the matter.
- Engaging openly in the complaint management process, including participating in discussion with other parties to resolve the concerns.
- Responding to NGC requests for information in a timely manner.
- Respecting those individuals involved in the complaint management process.

### 5. COMPLAINT HANDLING PRINCIPLES

If a parent/carer or student has a concern about the conduct of a staff member, they should raise their concern with the school in accordance with Section 2.

If a complaint that concerns the behaviour of a staff member may constitute reportable conduct, the matter will be addressed in accordance with the school's Child Protection Policy in accordance with Section 2. Please refer to the school's Child Protection Policy for information about reportable conduct. Complainants are not required to assess whether their concern meets the threshold of reportable conduct before making a complaint. Any concern about a child's wellbeing may be reported under this policy.

Complaints may be made, orally or in writing, by a student or parent/carer, advocate, service provider, stakeholder, volunteer or staff member.

#### 5.1. The following principles underpin the school's complaint handling processes:

The policy is accessible and simple to understand. All employees understand how to receive and pass on complaints. The complaint will be handled in a timely manner, taking into account the complexity and seriousness of the issue raised; to ensure that all parties have access to an appropriate resolution and that opportunities for further concerns to arise are minimised.

##### 5.1.1. Natural Justice and Procedural Fairness

All parties will be afforded natural justice and procedural fairness in the handling of complaints including:

- 5.1.1.1. Ensuring that all parties know what to expect during the process.
- 5.1.1.2. Carrying out the complaint handling process in a transparent manner.
- 5.1.1.3. All parties have equal opportunity to participate in the process.
- 5.1.1.4. Treating all parties in a respectful manner; and
- 5.1.1.5. Providing reasons for decisions made.

## 5.2. Equity

In managing any complaint received, NGC will uphold all relevant legislation. A complainant will not be disadvantaged through lodging a complaint in good faith, regardless of the outcome. Complainants and respondents will be entitled to be assisted by a support person who may be an advocate, a member of the person's family, a friend, carer or other person.

However, the School maintains the right to determine whether the person's preferred support person is appropriate and may not approve the attendance of a support person where they are determined by the School to be inappropriate.

## 5.3. Confidentiality and Record Keeping

The privacy and confidentiality of parties will be respected to the extent practicable and appropriate; with acknowledgment that matters may be subject to production under the Freedom of Information Act or may be subject to subpoena.

Accurate written records must be kept of all communications that form part of the complaint process. This includes notes taken of conversations between the parties and all decisions made in relation to the complaint. All records must be marked "Confidential".

The Complaint Handler will ensure these records are forwarded to the Principal and Administration Manager to be kept in a secure file separate to personnel files.

Only the people who are directly involved in the complaint, or help to resolve it, are to have access to information about the complaint. All documentation of complaints managed under this Policy which relate to an employee's performance will be held by the Principal.

## 5.4. Resolution

Where it is within NGC's responsibility, fair and reasonable remedies will be offered where appropriate. The operation of the complaints handling process and findings will be reported to the Principal to improve NGC's service delivery and workplace environment. Preventative and corrective action will be taken to eliminate the

causes of complaints and to improve the quality of NGC's policies and operating environment.

### 5.5. Authority

Individuals involved in handling complaints will have the necessary authority and management support to carry out the process effectively, and will have (where specific skills are required, such as mediation) access to appropriate training and resources to fulfil their role.

### 5.6. Conflict of Interest

Individuals involved in the handling of a complaint, or investigating or adjudicating on a complaint, must not act in any complaint in which they have a conflict of interest.



## 6. PROCEDURES

This procedure applies to NGC in handling complaints made in respect of services provided by the school or against staff members, which includes employees, contractors and volunteers.

This procedure does not extend to personal grievances between parents, guardians or other members of the school community.

There are four main stages in these procedures. Generally, these stages will be undertaken in progression unless the nature of the individual complaint or the wishes of the complainant determines otherwise. 1. Feedback 2. Complaints 3. Referral

### 6.1. Feedback procedures

Everyone is welcome to provide feedback! You can tell us, email us, write a letter or fill out our on-line survey. We will respond to all feedback and it will be treated in a confidential manner.

### 6.2. Raising a complaint

#### 6.2.1. The complainant

Informal complaints may be raised by a complainant directly with the person involved. Restorative Justice practices are undertaken in the first instance, and relevant NGC staff will facilitate this process. However, if the complainant does not feel comfortable doing so, or the matter is one where it may not be appropriate to do so, a complaint can be made to the person's Supervisor or Principal.

If the complaint is received via our [website contact page](#), the Administration Manager will forward it to the relevant Supervisor and copy in the Principal.

Complainants lodging a verbal complaint will be encouraged to submit it in writing. Should this not be accessible/appropriate, the complainant will, in the first instance, be referred to the relevant Supervisor who will document the complaint.

Any complaint about the conduct of a staff member should be raised directly with the Principal in the first instance.

Should the matter not be resolved through informal processes, the complainant may raise the matter formally with the school. A formal complaint can be made in writing to the Principal, via email [andrea@ngc.nsw.edu.au](mailto:andrea@ngc.nsw.edu.au).

Where a person wishes to make a formal complaint concerning the Principal the complaint should be made in writing to the Chair of the Board, via email [pat@ngc.nsw.edu.au](mailto:pat@ngc.nsw.edu.au). In this situation, the references in this policy relating to the role of the Principal should be read as references to the Chair.

### 6.2.2. The school

The Administration Manager, Supervisor or Principal will acknowledge receipt of a formal complaint in writing as soon as practicable.

### 6.3. Assessing a complaint

The Principal/Supervisor generally will assess the complaint and determine:

- 6.3.1. whether the complaint is one to be addressed under this policy or is a staff grievance or reportable conduct matter which are dealt with by other relevant policies; and
- 6.3.2. the priority of the complaint in accordance with the urgency and/or seriousness of the matter raised; and
- 6.3.3. whether the school may be required to report the matter to the Ombudsman, Police, Department of Community and Justice, or other relevant authorities should the complaint relate to possible unlawful conduct or other reportable matters.

### 6.4. Managing a formal complaint

The Principal/Supervisor generally will manage a formal complaint by:

- 6.4.1. advising the complainant of the likely steps that will be undertaken by the School in relation to the complaint;
- 6.4.2. if appropriate, advising the relevant parties of the complaint at the relevant time and providing them with an opportunity to respond;
- 6.4.3. collecting any additional information the School considers necessary to assess the complaint;
- 6.4.4. making a decision about how the complaint will be resolved (“resolution decision”); and
- 6.4.5. advising the complainant in writing, and any other relevant parties as appropriate, of the resolution decision of the Principal/Supervisor and if appropriate, any proposed action to be taken.

### 6.5. Complaint resolution

#### 6.5.1. Preliminary advice to the complainant

The Complaint Handler shall assist the complainant by sensitively and carefully understanding the complaint, explaining the options available and helping the

complainant decide if they want to proceed to an informal conciliatory or formal internal investigation process as outlined in Option 1 and Option 2 below.

#### 6.5.1.1. Option 1 – Resolution through conciliation

If the complainant chooses to seek resolution through an internal conciliation process then the following steps are appropriate:

- a. The complainant may approach the other party directly or ask the Complaint Handler to approach the other person or persons on their behalf. If a third party is to be involved in resolution, a trained conciliator/mediator will be involved to assist the parties.
- b. If the other person or persons admit to the behaviour or the acts complained about, and an agreement between the parties is reached, the complaint is resolved.
- c. Even if the person does not admit to the behaviour or acts complained about, the parties may be able to agree to an outcome that is acceptable to the complainant and the other parties.
- d. If an acceptable outcome is reached the Complaint Handler will be responsible for ensuring that the appropriate people who need to know about the outcome are appropriately informed so that the outcome is implemented and followed. As matters handled this way are usually minor, resolution would generally include an apology and agreement not to repeat the behaviour or actions complained about.

#### 6.5.1.2. Option 2 – Resolution through an internal investigation

If the complainant chooses to seek resolution through the internal and formal investigation process the following steps will be followed.

1. The investigator (Complaint Handler/Supervisor in the first instance) will interview the complainant and the allegations will be particularised in writing. During this interview and in any consequent stages of the process an appropriate support person may support the complainant.
2. The investigator will put the allegations in full to the other party or parties.

3. If there are any disputes over facts, the investigator will interview any witnesses and gather evidence that will assist in making a finding and gather any other relevant evidence that will assist in making a finding. Based on the facts of the matter the investigator will make a finding whether the complaint has substance.
4. A report documenting the investigation process, the evidence, the findings and a recommended outcome will be made to the Principal. The Principal will assess the report, consult with any appropriate parties (not the parties to the complaint) and implement an appropriate outcome.
5. The Principal will advise the direct parties to the complaint and any other relevant parties of their decision.

## 7. REFERRAL OF COMPLAINTS

In general, NGC will consult with the complainant to identify how the complainant wishes the complaint/grievance to be handled and the outcomes the complainant is seeking without reference of the matter to third parties.

However, where the conduct complained about amounts to serious misconduct (e.g. serious risk to the health and safety of employees or clients), to a criminal offence, or where mandatory reporting is legislated, the School has an obligation to deal with the matter under the relevant rules and to refer the matter to the Police or other agency for investigation e.g. WorkCover.

Complaints and grievances may also be lodged to:

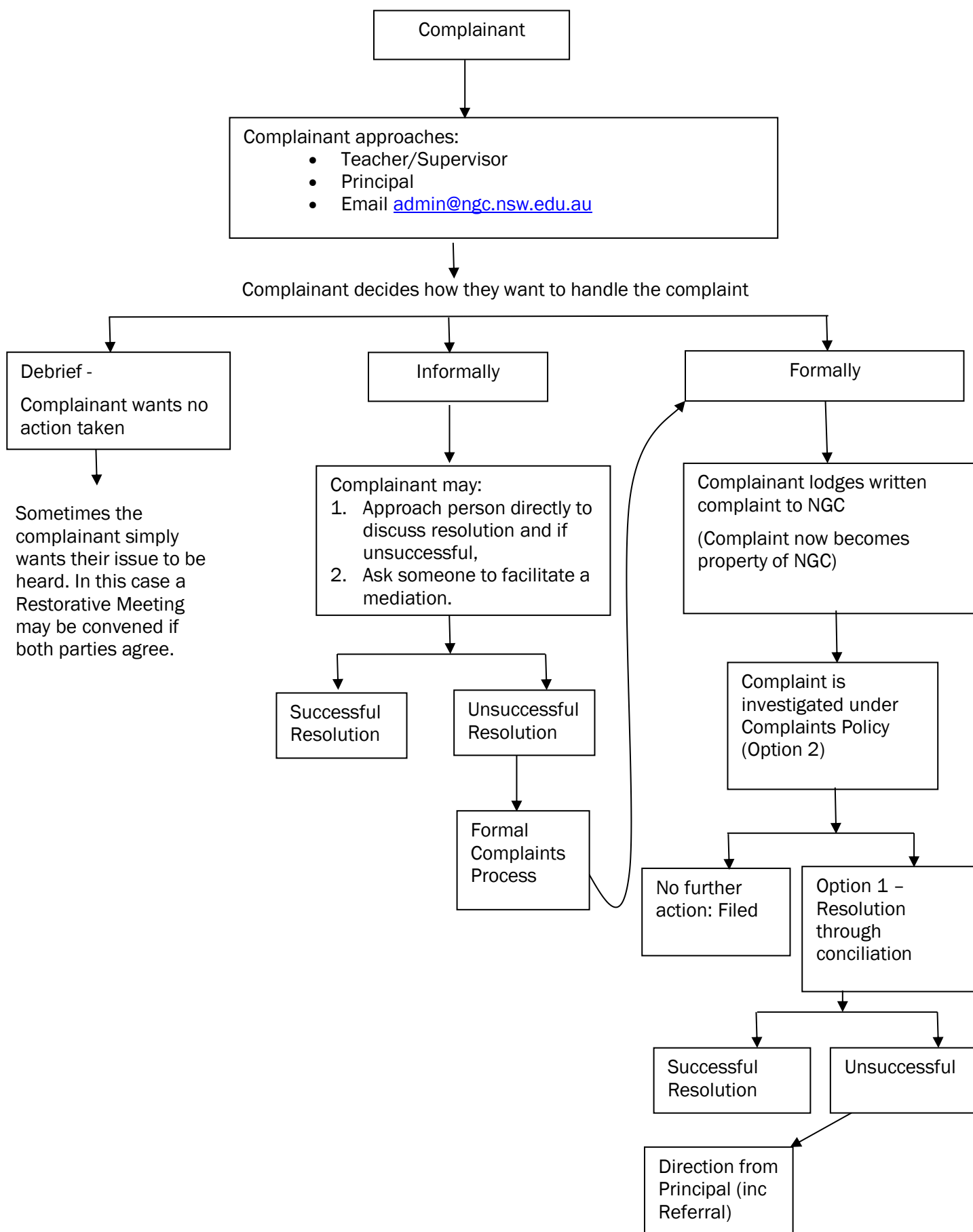
[Australian Consumer Law \(ACL\)](#) is a single, Australia-wide law that governs and protects fair trading practices, introduced on 1 January 2011. ACL is a sub-section of the *Competition and Consumer Act 2010*, and is administered and enforced by the [Australian Competition and Consumer Commission \(ACCC\)](#)

The [Competition and Consumer Act 2010](#) sets out terms for fair and competitive business trading - including returns, refunds and warranties - and defines consumer and business rights and responsibilities.

## 8. CONTACT

If you have any queries about this procedure, you should contact the Principal on 02)4343 5000 for advice.

## COMPLAINTS PROCEDURE FLOWCHART



## Record of Policy Review:

<i>Date Policy was Issued</i>	<i>Date of Review</i>	<i>Reason for Review</i>	<i>Lead Reviewer</i>	<i>Additional Comments</i>
Jul 2014		Policy creation		Original document
	Mar 2015	Formatting and separation of employee grievances	Principal	
	Jun 2017	Logo and wording to reflect school environment	Principal	Split from YC
	Mar 2020	Legislative changes	Principal	expectations for stakeholders regarding complaints or allegations of staff misconduct or reportable conduct (requirement 3.6.1) and whistle blowing statement.