

Complaints Management Policy

Non-State Schools Accreditation Board



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PART 1 — POLICY BACKGROUND

1. Policy commitment statement

Non-State schooling is a vital and expanding component of Queensland education. It is essential that it retains the high standing in which it is held by the community.

The Non-State Schools Accreditation Board (the 'Board') is an independent statutory body continued in existence under the *Education (Accreditation of Non-State Schools) Act 2017* (the 'Accreditation Act').

The Board was established under the now repealed *Education (Accreditation of Non-State Schools) Act 2001*.

The Board is responsible for, amongst other things:

- deciding the accreditation of non-State schools;
- deciding the eligibility for government funding of governing bodies for accredited non-State schools;
- monitoring whether the governing bodies of accredited schools are suitable to continue to be a school's governing body;
- monitoring whether accredited schools continue to comply with the statutory accreditation criteria;
- monitoring whether the governing bodies of non-State schools that are eligible for government funding for the schools continue to meet the government funding eligibility criteria; and
- investigating whether a place is being operated as an unaccredited school.

In the course of performing its duties, the Board receives complaints about non-State schools, including their governing bodies, as well as complaints relating to the performance by the Board of its statutory functions. In relation to these matters, the Board's policy affirms and supports the rights of students, parents and other persons acting in the interests of a school, or proposed school, to make inquiries, to provide relevant information, and to submit complaints and have them dealt with by the Board.

The role of the Board is to ensure that non-State schools and their governing bodies continue to comply with the requirements of the legislation. Complaints about non-State schools or governing bodies that relate to areas outside of the relevant legislation are beyond the jurisdiction of the Board.

Certain operational matters of the school (e.g. school fees, uniforms, school awards and report cards) do not fall within the Board's jurisdiction.

Subject to the Accreditation Act, the Board may direct the person to an appropriate authority, where the enquiry or complaint does not fall within the Board's legislative jurisdiction.

The Board must record and analyse information about enquiries and complaints so it can improve its service and systems.

2. Policy ownership

The Board is responsible for approving this policy.

3. Application / scope of policy

This policy applies to enquiries and complaints made to the Board relating to:

- a non-State school or its governing body;
- contraventions of, or non-compliance with, the Accreditation Act, including a place being operated as an unaccredited school, or held out to be an accredited school when it is not an accredited school; and
- performance by the Board of its statutory functions.

Exceptions to the above are covered under Section 8 (**Dissatisfaction with a Board decision**) of this policy.

Complaints made to the Board about its performance are managed under the *Public Service Act 2008*.

Complaints made to the Board about non-State schools are managed under the Accreditation Act.

4. Objectives

The objectives of this policy are to ensure:

- consistency in the handling of complaints by providing a framework for the Board to work within;
- that information on how to lodge a complaint with the Board, and its processes for dealing with complaints, are readily available;
- that all complaints are dealt with in an open, fair and professional manner; and
- that complaints are effectively monitored and reviewed to assist with identifying business improvement opportunities.

PART 2 — ABOUT THE NON-STATE SCHOOLS ACCREDITATION BOARD

5. Legislation

The Accreditation Act and the attendant *Education (Accreditation of Non-State Schools) Regulation 2017* establishes a regulatory framework for the accreditation of non-State schools and the eligibility for government funding of governing bodies for accredited non-State schools.

The objects of the Accreditation Act are:

- to uphold the standards of education at non-State schools;

- to maintain public confidence in the operation of non-State schools; and
- to foster educational choices in Queensland.

6. Functions of the Board

The prescribed functions of the Board include:

- to assess applications for accreditation of non-State schools;
- to accredit non-State schools;
- to assess and decide applications about governing bodies' eligibility for government funding;
- to keep a register of accredited schools;
- to monitor whether accredited schools continue to comply with the accreditation criteria;
- to monitor whether the governing bodies of accredited schools are suitable to continue to be a school's governing body;
- to monitor whether the governing bodies of non-State schools that are eligible for government funding for the schools continue to meet the government funding eligibility criteria;
- to monitor and enforce compliance with the Accreditation Act; and
- to conduct investigations about contraventions of, or noncompliance with, the Accreditation Act.

7. Decisions of the Board

In performing its functions, the Board makes a range of statutory decisions, including:

- whether to accredit a non-State school;
- whether to grant a non-State school governing body eligibility for government funding for the school;
- whether an accredited non-State school continues to comply with the prescribed accreditation criteria;
- whether the governing body of a non-State school that is eligible for government funding for the school continues to meet the prescribed government funding eligibility criteria; and
- whether the governing body of a non-State school is suitable to continue to be a school's governing body.

8. Dissatisfaction with a Board decision

Under certain circumstances, the Board may issue an 'information notice' to a proposed governing body, or governing body, of a school.

A proposed governing body, or governing body, of a school that is given, or is entitled to be given, an 'information notice' about a decision may apply to the Queensland Civil and Administrative Tribunal ('QCAT') for a review of the decision.

QCAT deals with applications for review under the *Queensland Civil and Administrative Tribunal Act 2009*.

In respect of Board matters not within the ambit of QCAT, if a person making an enquiry or complaint to the Board is dissatisfied with the Board's response, they may refer the matter to the Queensland Ombudsman.

PART 3 — PRINCIPLES OF COMPLAINTS MANAGEMENT

The following principles apply in respect of the Board's actions concerning the management of complaints:

Fair treatment

Complaints will be dealt with promptly, professionally, and in a fair, objective and equitable manner reflecting principles of procedural fairness.

Confidentiality

Complaints will be dealt with in a confidential manner that is respectful to both the complainant and the respondent. All personal information will be handled in accordance with the principles contained in the *Information Privacy Act 2009*.

Transparent process

Complainants will have easy access to information about how to complain and how the Board deals with complaints.

Ease of lodgement

Complainants will be able lodge complaints either in written or oral form (including anonymously) through multiple methods and without charge.

Influence business processes

Complaints data will be regularly reported upon and will be taken into account for the Board's continuous business improvement.

PART 4 — MANAGEMENT OF COMPLAINTS

9. Definitions

Code of Conduct — the code of conduct developed by the Board under the *Public Sector Ethics Act 1994* for members of the Board, members of a committee of the Board, and authorised persons.

Complaint — a matter is classified as a complaint if the nature of the contact is an expression of grievance or displeasure made about the decisions, actions and/or services of the Board

by a person who is directly affected by the service or action. It can be in either written or oral form as a formal expression of dissatisfaction about matters within the Board's jurisdiction, including about:

- a non-State school or its governing body;
- contraventions of, or noncompliance with, the Accreditation Act, including a place being operated as an unaccredited school, or held out to be an accredited school when it is not an accredited school; or
- performance by the Board or authorised persons of the relevant statutory functions.

(Note: This interaction may result in referral to another agency if the matter is outside the Board's jurisdiction).

Complainant — the person (includes an individual and a corporation) lodging a complaint with the Board.

Complaints Management System — the documentation concerning how the Board manages and records complaints. It includes this policy and the attendant procedures, and information on the Board's website.

Concerned party — the person (includes an individual and a corporation) lodging an enquiry with the Board.

Enquiry — a matter is classified as an enquiry if the nature of the contact is the seeking of information or the asking of a question. This could be to clarify an issue regarding the Board's functions or a non-State school school's policy, procedures or practices (Note: This interaction may result in referral to another agency if the matter is outside the Board's jurisdiction).

Matter — refers generally to an enquiry or complaint.

10. Assessing complaints

The Board must assess each complaint, and decide on an appropriate course of action.

Appropriate actions may include seeking further information, investigation, referral to another agency, or a decision not to progress the complaint.

When a course of action is decided, the complainant must be notified. The complainant should be notified of the process for dealing with the complaint and that outcomes of complaints cannot always be conveyed due to confidentiality provisions of the Accreditation Act.

When a complaint is finalised, the complainant must be notified promptly.

11. Complaints Register

The Board maintains records in accordance with the *Public Records Act 2002*.

The Complaints Register will be the primary tool for the collection of data. A current and accurate record of enquiries and complaints will be maintained to:

- ensure data quality and integrity;
- identify any recurring or system-wide problems;
- fulfil Queensland Government annual reporting requirements; and
- provide de-identified reports where necessary.

Each complaint in the register will have a unique identifier.

12. Regular reporting

There are two forms of regular reporting.

Internal - a status report from the Complaints Register is to be submitted to the Board at least on an annual basis.

External - two reports are to be published annually on the Board's website consistent with the Board's *Open Data Strategy 2016-2020*. These reports will show complaints by category and complaints by outcome.

13. Availability

The Board's website (www.nssab.qld.edu.au) provides information in relation to the Board, including information on complaints handling and how to lodge a complaint. Copies of this policy and the two attendant procedures are available for download there.

If required, a printed copy of this information is available from the Board Secretariat.

14. Safeguards against retribution

The Board is committed to processes that ensure, as far as is possible, that complainants are not victimised.

For anonymous complaints, should additional information be required to action the complaint, the absence of identifying and contact information may mean action cannot be taken.

Complaints will be dealt with in a confidential manner that is respectful to both the complainant and the respondent. Reasonable steps will be taken to protect personal information from loss, unauthorised access, use, disclosure or any other misuse during the complaint handling process. However, the Board cannot give an assurance of absolute confidentiality, given statutory obligations and principles of natural justice.

The Board treats protected information as defined in the Accreditation Act in accordance with that Act's associated confidentiality of information provisions.

Personal information will be treated in accordance with the principles contained in the *Information Privacy Act 2009*.

15. Dealing with unreasonable complainant conduct

The Board is committed to being responsive to all complainants and treating them with respect and fairness. At the same time, the Board has to perform its functions in the most effective and efficient ways possible ensuring:

- the health, safety and well-being of staff; and
- that resources are fairly allocated.

Unreasonable complainant conduct includes verbal abuse and threatening or offensive statements as well as unreasonable demands, including insistence on outcomes that are

unattainable and refusal to accept final decisions.

Unreasonable complainant conduct will not influence the way in which the Board deals with a complaint. All parties must maintain a polite and respectful approach at all times.

PART 5 — IMPLEMENTATION

16. Compliance / policy alignment

This policy is consistent with the strategic goals of the Board and the *Code of Conduct*.

17. Authorisation

The Accreditation Act sets out the Board's functions (including investigatory) and forms the authority for this policy.

18. Effective date

This policy commenced on 1 January 2018 and is due for review by 1 January 2021.

19. Monitoring

The Board monitors the quality and effectiveness of its complaints management system through analysis and evaluation of its complaint data.

20. Training

Board members and Board Secretariat officers will receive training upon induction and regular training in the requirements of this policy and the attendant procedures.

21. Updates

The Board must approve any changes to this policy.