

Non-State Schools Accreditation Board

Complaints management procedures

Complaints about non-state schools and non-state schools' governing bodies

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Table of Contents

PART 1—PREAMBLES	3
1. Application of procedures.....	3
2. Commencement.....	3
3. Legislation	3
PART 2—MAKING COMPLAINTS	3
4. Subject matter of complaints	3
5. Basis of complaint and who may make a complaint.....	3
6. Identity of complainant	3
7. Complaint may be made in writing or orally.....	3
8. Receiving written complaints.....	4
9. Receiving oral complaints	4
PART 3—CONSIDERATION OF COMPLAINTS.....	5
10. Assessment of complaints	5
11. Action following assessment.....	5
12. Grounds for not dealing with complaint.....	5
PART 4—INVESTIGATING COMPLAINTS	6
13. Board may investigate a complaint	6
14. Procedure	6
15. Action following investigation	6
16. Review	6
PART 5—REGISTER OF COMPLAINTS AND OUTCOMES	7
17. Register of complaints and outcomes to be kept	7
18. Analysis of data.....	7
PART 6 – IMPLEMENTATION.....	7
19. Staff training.....	7
20. Reviews and Updates	7

PART 1—PREAMBLES

1. Application of procedures

These procedures apply to complaints made to the Non-State Schools Accreditation Board (the 'Board') about a matter referred to in clause 5 below. They set out the way in which complaints must be made and the way in which the Board deals with complaints.

2. Commencement

These procedures commenced on 1 August 2013 and were reviewed on 4 June 2015.

3. Legislation

The [Education \(Accreditation of Non-State Schools\) Act 2001](#) (the 'Act') and the [Education \(Accreditation of Non-State Schools\) Regulation 2001](#) (the 'Regulation') establish a regulatory framework for the accreditation and government funding of Queensland's non-state schools. The legislation commenced on 1 January 2002.

PART 2—MAKING COMPLAINTS

4. Subject matter of complaints

A complaint may be made to, or dealt with by, the Board only so far as the complaint relates to a matter set out in clause 5 of these procedures.

5. Basis of complaint and who may make a complaint

A complaint may be made to the Board about a matter relevant to:

- (a) the suitability of a governing body to be, or continue to be, the governing body of a non-state school¹; or
- (b) whether a governing body or non-state school has complied with, or is complying

¹ See Act, section 17 (if applicant seeks Government funding for the school), section 18(1)(a) (Decision to provisionally accredit non-State school), section 27(2)(a) (Decision), section 34(1)(a) (Further assessment of non-State school), section 39 (Suitability of governing body), section 52(2) (Decision of Board), section 63(1)(c) (Grounds for cancellation), section 70(1)(c) (Grounds for cancellation)

with, the accreditation criteria². The criteria relate to: financial viability; statement of philosophy and aims; educational program; students with disability; schools delivering distance education; flexible arrangement approvals; health, safety and conduct of staff and students; staffing; land and buildings; educational facilities and materials; and improvement processes³.

The complaint may be made by:

- (a) a student who attends or who attended the non-state school relevant to the governing body;
- (b) any person acting for or in the interests of a student mentioned in (a) above;
- (c) any person acting for or in the interests of the non-state school or the proposed non-state school;
- (d) a person acting as a representative of another person provided they are acting with the consent of the affected party; or
- (e) any other interested person.

6. Identity of complainant

A person making a complaint will be requested to give the Board:

- (a) the person's name and address; and
- (b) any other information relating to the person's identity that the Board reasonably requires.

The Board, however, will accept anonymous complaints and complaints from representatives (acting with consent on behalf of affected parties).

7. Complaint may be made in writing or orally

A person may make a complaint to the Board:

² See Act, section 9 (Prescribing accreditation criteria), section 27(2)(b) (Decision), section 32 (Initial assessment of non-State school), section 34(1)(b) (Further assessment of non-State school), section 34(1)(b) and (4) (Further assessment of non-State school), section 37 (Assessment of non-State school), section 38B (Assessment of non-state school), section 42 (Demonstration of compliance), section 61 (Compliance notice), section 63(d) (Grounds for cancellation), and see regulation, part 2 (Accreditation criteria)

³ See Regulation Part 2 Divisions 2 to 5

- (a) in writing, whether by submitting a document, by sending a facsimile, through the Board's website, by sending an email or through another form of communication; or
- (b) orally, whether in person or by telephone or through another form of communication.

If a person makes a complaint orally, the Board may provide help to that person to make the complaint in writing.

The Board will provide all reasonable assistance, if required, to help complainants. This may include translator and interpreter services or services for people with hearing, vision or speech impairments.

8. Receiving written complaints

A person lodging a complaint through the Board's website will automatically receive an acknowledgement with a unique identification number. The acknowledgement will contain information on timelines, processes and the Board's contact details.

All other written complaints will be acknowledged in either written form or over the telephone. The acknowledgement will include information on timelines, processes and the Board's contact details.

All complaints received will be logged in the Board's database.

9. Receiving oral complaints

The officer receiving the complaint should:

- (a) request the name and contact details of the person, and of the school concerned;
- (b) enquire as to whether the matter has been referred to the principal and/or governing body of the school (if applicable). If it has not been referred, recommend they do this;
- (c) provide contact details for the school's governing body if requested;
- (d) point out that it is open to the person to submit a complaint in writing, to minimise the possibility of any miscommunications (can refer them to the website); and

(e) communicate effectively by:

- (i) giving brief, noncommittal and non-judgmental responses to the person;
- (ii) being attentive to what the person is saying;
- (iii) being careful not to interrupt the person;
- (iv) eliciting clear, accurate and factual information from the person, and seeking a submission from the person of any material relevant to the complaint;
- (v) acknowledging the person in a way that invites the communication to continue; and
- (vi) adopting language which is neutral, for example, using expressions like "tell me more about it" as an invitation to the person to say more;
- (f) not get involved in a disagreement or an argument with the person, or pass judgement on the complaint being raised by the person;
- (g) not interrogate the person or give the person advice, guidance, direction or counsel; and
- (h) be disengaged from the matter or issue forming the complaint:
- (i) inform the person about the process involved, including timeframes; and
- (j) log the conversation on the Board's database.

PART 3—CONSIDERATION OF COMPLAINTS

10. Assessment of complaints

- (1) The Board must assess the complaint:
- (a) if the Board seeks more information under subclause (2) of this clause — within 35 days of obtaining the information; and
 - (b) otherwise — within 35 days of receiving the complaint.

(2) If the Board needs more information from the complainant or another person or entity to properly assess a complaint, the Board is to seek the information as soon as practicable.

The Board will assess the complaint based on the following:

- (a) the content of the complaint;
- (b) the evidence submitted in support of the complaint; and
- (c) any relevant Board records.

11. Action following assessment

After assessing a complaint, the Board must take one or more of the following actions:

- (a) subject to the [Act](#), refer the complaint to another government agency responsible for regulating the matter, or another appropriate entity that has jurisdiction in respect of the subject matter of the complaint;
- (b) seek to resolve the complaint in a way the Board considers appropriate;
- (c) investigate the complaint; or
- (d) decide, under clause 12 of these procedures, not to deal with the complaint.

When deciding the action to take, the Board must consider whether the action should be taken urgently, if the matter relates to the accreditation criteria about student welfare.

In this clause—

“complaint” includes part of a complaint.

12. Grounds for not dealing with complaint

The Board must not deal with a complaint, or continue dealing with a complaint, if the Board is satisfied of any of the following:

- (a) the complaint is not within the Board's jurisdiction under the Act
- (b) the complaint is trivial, frivolous or vexatious;
- (c) the complaint is not made in good faith, or lacks substance;
- (d) the subject matter of the complaint has already been adequately dealt with by the Board;
- (e) any dealing, or further dealing, with the complaint is unnecessary or unjustifiable in all the circumstances of the case; or
- (f) the complainant has failed, without reasonable excuse, to cooperate satisfactorily with attempts made or arranged by the Board to resolve the complaint.

The Board may decide not to deal with a complaint, or may stop dealing with a complaint, if:

- (a) the complainant does not comply with a request by the Board for information about the complaint;
- (b) the complainant withdraws the complaint;
- (c) the subject matter of the complaint:
 - (i) has already been adequately dealt with, or would be more appropriately dealt with, by another government agency responsible for regulating the matter, or another appropriate entity that has responsibility in respect of the subject matter of the complaint;
 - (ii) is before, or has already been decided by, a court, tribunal, inquest or like entity established at law;
 - (iii) is, or has been, otherwise the subject of legal proceedings; or

- (d) the Board considers it would be inappropriate to deal with or continue to deal with the complaint, having regard to:
- (i) the resources available to the Board to deal with the complaint; and
 - (ii) the relevance of the subject matter of the complaint to a matter set out in clause 5 of these procedures.

If the Board decides:

- (a) not to deal with a complaint; or
 - (b) not to continue dealing with a complaint; and
- the Board knows the name and contact details of the complainant, the Board must give written notice of the decision, and the reasons for the decision, to the complainant as soon as practicable.

PART 4—INVESTIGATING COMPLAINTS

13. Board may investigate a complaint

The Board may investigate a complaint after assessing it under clause 10 of these procedures.

14. Procedure

Subject to the [Act](#) and these procedures, the Board may regulate the procedure of an investigation in the way the Board considers appropriate.

The Board, when conducting an investigation:

- (a) must act as expeditiously as possible;
- (b) must act with as little formality as possible;
- (c) may inform itself on any matter relevant to the investigation in any way it considers appropriate;
- (d) must comply with the rules of procedural fairness; and
- (e) must notify the complainant. This notification must include information on the process, expected timeframe, frequency of progress updates and the Board's contact details.

Subject to the [Act](#), the Board may consult with persons as it considers appropriate.

15. Action following investigation

- (1) After investigating a complaint, the Board must take one or more of the following actions:
 - (a) decide, under clause 12 of these procedures, not to deal with the complaint;
 - (b) make a recommendation to any party to the complaint that the Board considers appropriate in the circumstances of the case;
 - (c) deal further with the matter by reference to section 61 of the [Act](#)⁴;
 - (d) deal further with the matter by reference to section 58A of the [Act](#)⁵;
 - (e) deal further with the matter by reference to section 64 of the [Act](#)⁶;
 - (f) deal further with the matter by reference to section 67 of the [Act](#)⁷; or
 - (g) deal further with the matter by reference to division 2, part 6, chapter 3 of the [Act](#)⁸.
- (2) After deciding what action to take, the Board must inform the complainant of the outcome including any decisions and reasons. The complainant must also be informed of any right of review and be provided with the Board's contact details.

16. Review

If a person making an enquiry or complaint is dissatisfied with the Board's response, they may refer the matter to the Ombudsman, other than where the person making the enquiry or complaint is a person dissatisfied with a

⁴ Act, section 61 (Compliance notice)

⁵ Act, section 58A (Notice about change in attribute of provisional accreditation)

⁶ Act, section 64 (Show cause notice)

⁷ Act, section 67 (Cancellation)

⁸ Act, division 2 (Withdrawal after show cause period), part 6 (Withdrawal of eligibility for Government funding), chapter 3 (Government funding)

decision of the Board which is subject to review under chapter 4 of the [Act](#). The Ombudsman does not have jurisdiction over non-state schools and would not be able to review any decisions or actions by a non-state school. Any referrals here to the Ombudsman would only be concerned with the processes undertaken by the Board in reaching its decision and not with the decision or action of a non-state school.

PART 5—REGISTER OF COMPLAINTS AND OUTCOMES

17. Register of complaints and outcomes to be kept

The Board must keep a register of complaints and outcomes.

The register must contain each of the following details for a complaint:

- (a) the name of the complainant (if known);
- (b) the contact details of the complainant (if known);
- (c) whether the complainant is an adult or a child (if known);
- (d) the date on which the complaint is made under clause 7 of these procedures;
- (e) the name of the non-state school in connection with the complaint;
- (f) the name of any person, governing body or other entity that is the subject of the complaint;
- (g) a brief description of the complaint;
- (h) any action taken by the Board under clause 11 of these procedures after assessing a complaint;
- (i) if the Board decides not to deal with the complaint under clause 12 of these procedures — the ground(s) under that clause on which the Board makes that decision;
- (j) if the Board decides to investigate the complaint:
 - (i) the date on which the Board made that decision; and
 - (ii) a brief description of how the investigation was conducted; and
- (k) a brief description of the outcome of the complaint.

18. Analysis of data

Analysis of data will be completed and reported to the Board at least on a quarterly basis. Data will be collated as per clause 5 of these procedures and analysed to give information on trends and areas of concern. This will be used to identify areas of business improvement and make appropriate recommendations.

PART 6 – IMPLEMENTATION

19. Staff training

All intake officers will receive internal training at least once a year on the Complaints Management System or specific aspects of it. External training will also be provided, as required, in areas relevant to the Complaints Management System (for example privacy). New officers will receive training as part of the induction process.

20. Reviews and Updates

These procedures, and all elements of the Board's Complaints Management System, are to be reviewed every three years and updated as appropriate. Staff feedback will be included in these reviews.

Any changes to these procedures must be approved by the Board. Intake officers will be notified of the changes through email and training, as appropriate.