

Non-State Schools Accreditation Board

Procedures for managing complaints

about the Board,

a committee of the Board,

a member of the Board or committee,

a person appointed by the Board

as an authorised person

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Part 1 — Preambles

1. Application of procedures

These procedures apply to complaints made to the Non-State Schools Accreditation Board (the 'Board') in relation to service delivery involving:

- the Board, or a decision of the Board;
- a committee of the Board (a 'committee');
- a member of the Board or a committee (a 'member'); or
- an authorised person within the meaning of that term in the *Education (Accreditation of Non-State Schools) Act 2017* (the 'Accreditation Act').

The purpose of these procedures is to set out the way in which complaints must be made and the way in which the Board deals with them. They also set out the way in which the Non-State Schools Accreditation Board Secretariat (the 'Secretariat') administers complaints for the Board.

The procedures are to be read in conjunction with the Board's *Policy for managing complaints about the Board, a committee of the Board, a member of the Board or committee, or a person appointed by the Board as an authorised person* available on the Board's website (www.nssab.qld.edu.au).

2. Commencement

These procedures commenced on 1 July 2019.

3. Legislation

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

Part 2 — Making complaints

4. Basis of complaint

A complaint under these procedures is an expression of dissatisfaction about any aspect of services delivered by an entity as set out in clause 1 of these procedures.

This may include, but is not limited to, complaints about delays, conduct, communication and responsiveness. A complaint may also be made about the Board, committee, member or authorised person acting incompatibly with human rights or failing to take into account human rights under the *Human Rights Act 2019*.

Exceptions

Where a complaint relates to a decision, or failure to make a decision, of the Board for which a governing body, or proposed governing body, is entitled to receive an 'information notice' under the Accreditation Act, the governing body 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*.

5. What should a complaint include?

A person making a complaint should provide to the Board:

- their name, address, phone number and email address
- a concise summary of the nature of the complaint and
- the outcome being sought.

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

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.

6. How should a complaint be made?

A person may make a complaint to the Board:

- in writing, whether by submitting a document through the Board's website, by sending an email or through another form of communication or
- 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.

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

7. Receiving complaints

A person lodging a complaint through the Board's website will receive an automatic receipt from the website.

All complaints will be acknowledged by the Secretariat in written form upon receipt, where contact details are provided. The acknowledgement will include information on timelines and the Board's contact details, along with a link to the Board's website for further information.

Part 3 — Consideration of complaints

8. Assessment of complaints

The Board will assess the complaint based on the following:

- the content of the complaint
- the evidence submitted in support of the complaint
- any relevant Board records and
- the impact on the human rights of any person involved (such as the rights to privacy and reputation, and to education).

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.

When the Board receives a complaint about human rights, it must assess the complaint taking into account the following:

- did the act or decision on a human right (for example, the right to privacy, freedom of religion, the right to education)?
- what is the nature of any right engaged (for example, the value underlying the right to education is empowerment)?
- was there a proper purpose for the act or decision (for example, protecting the human rights of others or preserving the public revenue)?
- did the act or decision help to achieve that purpose?
- were there any alternative means available to achieve the purpose, but which would have had a less restrictive impact on human rights?
- has a fair balance been struck between the benefits gained from achieving the proper purpose, as against the harm caused to the human right from achieving that purpose?

The Board must keep a written record of its consideration of whether a human right was engaged, and, if so, whether the limit on the human right was justified.

9. Action following assessment

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

- seek to resolve the complaint in a way the Board considers appropriate
- investigate the complaint or
- decide to take no further action.

10. 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:

- the complaint is trivial, frivolous or vexatious
- the complaint is not made in good faith, or lacks substance
- the subject matter of the complaint has already been adequately dealt with by the Board
- any dealing, or further dealing, with the complaint is unnecessary; or unjustifiable in all the circumstances of the case or
- 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:

- the complainant does not comply with a request by the Board for information about the complaint;
- the complainant withdraws the complaint
- the subject matter of the complaint:
 - is before, or has already been decided by, a court, tribunal, inquest or like entity established at law or

- is, or has been, otherwise the subject of legal proceedings or
- the Board considers it would be inappropriate to deal with or continue to deal with the complaint, having regard to:
 - the resources available to the Board to deal with the complaint and
 - the relevance of the subject matter of the complaint to a matter set out in clause 4 of these procedures.

If the Board decides:

- not to deal with a complaint or
- 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

11. Board may investigate a complaint

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

If the Board decides to investigate the complaint, it may appoint an investigator.

The appointed investigator must:

- have had no prior involvement with the complaint matter
- have no conflict of interests and
- have suitable experience and knowledge to conduct the review.

When an investigator is appointed, the Board will:

- provide the investigator with details of the complaint to be investigated and the timeframe which the Board considers appropriate for the completion of the investigation and
- notify the complainant that an investigator has been appointed and give information about the process and expected timeframe, as well as the Board's contact details.

For the purposes of investigating a complaint, the investigator shall act independently, based on information and evidence obtained during the course of the investigation and shall use his/her own knowledge and expertise in assessing the complaint.

12. Action following investigation

At the completion of the investigation, the investigator will submit a report to the Board for its consideration.

After considering an investigator's report, the Board may resolve to take such action considered necessary to resolve the matter, having regard to the Accreditation Act. The Board will notify the complainant of the outcome of the investigation, where appropriate. In the case of complaints about human rights, the Board will endeavour to respond within 45 business days of the complaint being made.

13. Review

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 lodge a complaint with the Board about the decision or they may refer the matter to the Queensland Ombudsman, or, if the complaint concerns human rights, to the Queensland Human Rights Commission.

Part 5 — Implementation

14. Staff training

All Secretariat officers will receive internal training on induction and 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.

15. Reviews and updates

These procedures are to be reviewed at least every three years.

Any changes to these procedures must be approved by the Board.

Secretariat officers will be notified when any changes are made.