



Policy: **BGLS Complaint Handling, Mediation & Discipline Policy**

Version Control

Adoption Date	Version	Details	Author
12 th April 2023	1	New	Micah Nehring

1. Scope

- 1.1 The Discipline Policy outlines the requirements for the Brisbane German Language School (BGLS) regarding any discipline matter occurring within or referred to the school.
- 1.2 This policy applies to all BGLS students (youth and adult), parents/guardians of youth students, teachers, coordinators, administrators, and management committee members.
- 1.3 This Policy should be read in conjunction with the suite of BGLS Member Protection Policies (available at www.bqls.org.au).

2. Background

- 2.1 The BGLS seeks to provide a safe, fair and inclusive environment for everyone involved with the school.
- 2.2 This policy should also be read in conjunction with the BGLS Member Protection policies.
- 2.3 The philosophy of the BGLS towards discipline/dispute matters is they are to be confidentially and professionally handled with the matters being resolved at the appropriate level and in a timely manner.
- 2.4 Should a reported issue relate to a criminal matter, a Management Committee member is to immediately inform police of that matter. It is the responsibility of the Management Committee to ensure all relevant material, including names of people involved in the matter are provided to police.

3. Penalising Authority

- 3.1 The penalising authority for the BGLS shall be vested in the President (or Vice President in the absence of the President or matters relating to the President) in conjunction with a least one other member of the Management Committee (Judiciary Committee). This penalising authority may convene an investigation committee (in addition to and separate from any other investigations that may have occurred) to help understand what occurred.
- 3.2 The disciplined party/ies may appeal any decision made by the investigation and penalising authority to the Management Committee as a whole. The Management Committee's decision will be final. There is no appeal process beyond this.

4. Levels of Complaint

- 4.1 There are two levels of complaint handling procedures:
 - 4.1.1 Routine – these are disputes involving minor disputes (for example complaints reported to teaches concerning the conduct of another student's interruptions

during a class). These should be handled by the teacher in the first instance, and/or in conjunction with the relevant coordinator (base level).

- 4.1.2** Complex – these are disputes/discipline issues, which require a higher level of intervention and cannot be resolved or should not be resolved at a base level (for example, a student who verbally abuses a teacher). These shall be reported to and handled by the Penalising Authority.

5. Discipline – General

- 5.1** Disciplinary action may result, if a person (outlined in 1.2), asserts pressure on any other person, to obtain any form of grace or favour on the grounds of any difference (eg. age, gender, culture, background, etc).
- 5.2** Disciplinary action may result, if a person (outlined in 1.2), places any other person, under any moral obligation or infringes any other member's moral standing for whatever purpose, or
- 5.2.1** Has been guilty of misconduct against the school or elsewhere, or who has acted prejudicially to the interests of the school;
- 5.2.2** Is unfit to be a member of the organisation;
- 5.2.3** Fails to obey any reasonable order, or request issued by a School Officer, in the pursuance of their duty;
- 5.2.4** Is guilty of a breach of any School's Constitution, rules, policies and procedures;
- 5.2.5** Has practised or counselled any unbecoming conduct or conduct which reflects upon the good name of the School, or any or all of its officers, whether at any class, meeting, function or other activity, or at any other time; and
- 5.3** Any member suspected of any breaches of the School constitution, policies and procedures may, in the appropriate case, be suspended immediately by the President or relevant Management Committee Member, pending a hearing of the matter.
- 5.4** Any member suspected of any breaches of the School constitution, policies and procedures may be required to attend a Management Committee meeting to show cause as to why disciplinary action should not be taken as provided.
- 5.5** Notwithstanding the foregoing, members may be required to attend Judiciary Committee meetings should they be the subject of an alleged breach of conduct.
- 5.6** Where any member is suspected of any breaches of School constitution, policies and procedures, whether or not they are placed under immediate suspension, the Judiciary Committee, as the case may be, shall convene within a reasonable time, not being more than 28 days from the date of the alleged incident, in order to hear the matter.
- 5.7** Failure of the Judiciary Committee or Management Committee, as the case may be, to convene within 56 days shall mean any suspension of the suspected member shall be lifted until such time as a hearing of the matter is convened.

6. Compliant Handling Process

- 6.1** The following steps are to be implemented when handling a discipline or complaint issue:



6.2 A written complaint is to be completed by the person making the complaint. A complaint form is found at Attachment A of this Policy. This form can also be found on the BGLS official website. No action will be taken unless this form is completed and signed.

6.3 The BGLS is to ensure all complaint forms are held securely and are treated as confidential; any breaches of confidentiality can be subject to the BGLS discipline process.

6.4 Routine Handling Complaint Procedure

6.4.1 Once the complaint form has been completed by the complainant and/or in conjunction with a BGLS representative (eg. Teacher, Coordinator, Administrator), and Management Committee members (President or Vice President in conjunction with at least one other member) has assessed the complaint as 'routine' the appropriate BGLS representative (Teacher, Coordinator, Administrator) will have authority to commence resolution of the complaint.

6.4.2 The BGLS representative shall keep the Management Committee informed of the progression of the handling of the complaint until full resolution. The complaint will be noted and reviewed at the next formal Committee meeting. The complaint is to be treated as confidential to the parties involved at all times. All official documentation relating to any complaint is to be secured both at school and management committee level.

6.4.3 Should the complaint not be satisfactorily resolved; it may be raised to a higher level (Judiciary Committee) at any stage. If this occurs, the BGLS Secretary is to be notified in writing (including electronic means). The BGLS Secretary is to take responsibility of implementing the next stage resolution, keeping all parties fully updated of progress.

6.4.4 The BGLS Management Committee is responsible for assessing the outcome of these complaints, and do not necessarily have to progress the matter any further.

6.4.5 Should it be identified that a change of policies and procedures would be beneficial in reducing this type of complaint being made and/or facilitate a better resolution to the complaint, the Management Committee should consider this at their next formal meeting.

6.5 Complex Handling Complaint Procedure

- 6.5.1** Should the complaint be assessed as suitable to be dealt with by the President or a member/s of the Management Committee with appropriate invested interest in the discipline issue, the complaint form should be completed.
- 6.5.2** The President or appropriate Management Committee member may identify an independent investigator to investigate claims. This appointment must be made in writing (including electronic means).
- 6.5.3** The investigator should identify any witnesses and obtain relevant information from all persons concerned.
- 6.5.4** The investigator is required to report their findings back to the President/Management Committee member as soon as practicable.
- 6.5.5** All complaints must be finalised within 56 days from the incident occurring or in certain cases from the matter being referred to the President/Management Committee member.
- 6.5.6** The President/Management Committee member will request in writing (including electronic means) persons who need to attend a meeting to discuss the discipline matter, including witnesses.
- 6.5.7** Seven days' notice must be given for such a meeting. (See Attachment B).
- 6.5.8** Should the person, subject to the proceedings, require witnesses to attend and provide evidence, the names must be forwarded to the BGLS Secretary seven days prior to the meeting/hearing being conducted.
- 6.5.9** Should any party wish to delay proceedings three days written notice (including electronic means) must be given. Such a delay does not have to be agreed upon by the President/Management Committee member.
- 6.5.10** The person/s who is subject to the proceedings may not be legally represented, but the person/s may ask for a support member to be present. Such a request must be made in writing (including electronic means).
- 6.5.11** The President/Management Committee member does not have to allow this support. Should the support person be allowed, at any time during the meeting, this person may be asked to leave if their conduct is considered as impeding the process.
- 6.5.12** During the meeting, the person/s subject to the complaint may ask questions of any witnesses; may make a statement taking requesting mitigation of circumstances and fine. The person/s is also allowed to present references for consideration.
- 6.5.13** A general findings report should be completed and placed on the discipline file held by the School.
- 6.5.14** Should the person/s subject to the proceedings not attend, the matter can be heard and a determination made.
- 6.5.15** The outcome should be presented to the next Management Committee meeting.
- 6.5.16** Formal advice in writing (including electronic means) should be forwarded to the person/s subject to the complaint issue. (See Attachment C)
- 6.5.17** Any suspension or penalty is to be monitored by the issuing authority, and at the completion of such suspension/penalty, a letter is to be written identifying the completion of the suspension/penalty. (See Attachment D)

ATTACHMENTS

ATTACHMENT A – COMPLAINT LODGEMENT FORM

ATTACHMENT B – LETTER STATING DATE OF HEARING/MEETING

ATTACHMENT C – NOTICE OF OUTCOME OF MEETING/HEARING

ATTACHMENT D – LIFTING OF SUSPENSION

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ATTACHMENT A – COMPLAINT LODGEMENT FORM

Date and Place of Incident	
Complainant's Full Name	
Complainant's Address	
Complainant's Mobile/Telephone Number	
Complainant's Email Address	
Full Description of Complaint (please include names of any person who can support complaint)	
Desired Outcome (please circle)	a. No specific outcome just for noting b. An apology c. Investigation at low level d. Referred as official complaint e. Other (please identify action)
Signature of Complainant	
Date Complaint Lodged	

Name of Assessing Management Committee Member	
Assessment by Management Committee Member	<ul style="list-style-type: none"> a. For noting only b. For informal investigation (please state) c. For investigation by Management Committee d. For investigation by Judiciary Committee e. Other (please state)
Outcome of Complaint	
Corrective action/resolution as a result of complaint (e.g. changes to policies)	
Date Complainant notified of outcome	
How and who notified complainant	

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ATTACHMENT B – LETTER STATING DATE OF HEARING/MEETING

Date

Person's Name

Person's Address Suburb

Dear (Person/s Name)

*You are hereby notified that a meeting of the (place here e.g. Judiciary Committee) of the Brisbane German Language School will be held at..... on
..... 20*

at am/pm to enquire into the following matter, referred to the (place here e.g. Judiciary Committee) by the School:

(Here should state the issue and should list what breaches have occurred citing relevant code of conduct; policies; procedures; or constitution clauses have occurred).

You are required to be (present) at that time and place together with such witnesses as you may desire to call.

(Mr/Ms Has been appointed pursuant to the Club Constitution as an independent investigator to make all relevant enquires and to appear to assist the Committee at the hearing). - This is optional

The Secretary will, upon receipt of your request in writing, at least seven days before the day appointed for the investigation setting out the names and addresses of members of the School who you desire to call as witnesses, require such members to be present at the investigation. If the time and place appointed are not suitable to you, you may apply for an adjournment by application in writing, to be in my hands at least three days before the time appointed.

In any event, you are required to advise the committee of your intention to attend or not to attend as the case may be, three days before the hearing is due to commence.

You are not entitled to legal representation as of right but you may apply to the relevant authority who may grant or refuse such application as it thinks fit for a support person to be present. You are reminded should this person during the process become unruly they may be asked to leave the meeting/hearing.

Should you have any further questions, please do not hesitate to contact the (state a contact person)

Yours sincerely

Secretary

Brisbane German Language School (BGLS)

ATTACHMENT C – NOTICE OF OUTCOME OF MEETING/HEARING

Date

Person's Name

Person's Address Suburb

Dear (Person/s Name)

You are hereby notified following a meeting of the (place here e.g. Judiciary Committee) of the Brisbane German Language School was held at on20..... at am/pm to regarding the xxxx

matter, referred to the (place here e.g. Judiciary Committee) by the School:

The information was substantiated and you were (Place here the discipline action). I would like to draw your attention to the BGLS Discipline Policy should you have any further queries. Your suspension will cease on xxxxxxxx

OR

The information was unsubstantiated and the BGLS Management Committee wishes to thank you for your time regarding this matter and looks forward to xxxxxxxxxx (Place here continuing activities associated with German during the forthcoming term)

Should you have any further queries, please do not hesitate to contact me.

Yours sincerely

Secretary

Brisbane German Language School (BGLS)

ATTACHMENT D – LIFTING OF SUSPENSION

Date

Person's Name

Person's Address Suburb

Dear (Person/s Name)

You are hereby notified you were (place what the action was taken – suspension two week). It is noted this suspension period/or what was implemented has now concluded and we look forward to seeing you participate once again in activities at the Brisbane German Language School.

We would like to remind you of the codes of conduct (reinforce the issue and ensure that is mentioned etc)..... and any further breaches may result in higher punishment.

Should you have any further queries, please do not hesitate to contact me.

Yours sincerely

Secretary