

# Strathcona Baptist Girls Grammar School

## Complaints and Grievances Policy and Procedure

|                             |                      |                           |                                       |
|-----------------------------|----------------------|---------------------------|---------------------------------------|
| <i>Policy designation</i>   | <i>P032BD0519-24</i> | <i>Policy audience</i>    | <i>School Community</i>               |
| <i>Approval date</i>        | <i>01/05/2019</i>    | <i>Policy owner</i>       | <i>Complaints Manager</i>             |
| <i>Released to audience</i> | <i>02/05/2019</i>    | <i>Version</i>            | <i>1</i>                              |
| <i>Review date</i>          | <i>May 2021</i>      | <i>Approval authority</i> | <i>Principal (On behalf of Board)</i> |

### Preamble

Strathcona Baptist Girls' Grammar School (the School) recognises that it is in the best interest of students and parents or guardians for there to be a trusting and co-operative relationship between members of the community and the School. Complaints and grievances are an important way for the School community to provide information and feedback to the School and request a formal response or corrective action. Strathcona considers that every complaint provides a valuable opportunity for reflection and learning.

Strathcona recognises a person's right to make a complaint and its responsibility to provide a framework within which efforts can be made to resolve complaints.

Strathcona believes that complaints are best handled in an environment where people feel able to speak up about issues concerning the education and wellbeing of students, and conduct of staff.

An effective complaint-handling system has a clear process for resolving complaints, treats people fairly, is timely and provides those people involved in a complaint with a fair opportunity to respond to issues and to present their views.

### Note

This policy does not apply to matters about which there are existing rights (and processes) for review and appeal, such as matters relating to serious employee misconduct, student critical incidents and criminal activities.

When addressing concerns or complaints, Strathcona must:

- abide by relevant regulatory and legislative frameworks
- maintain confidentiality
- balance the rights and responsibilities of all parties
- ensure all parties are aware of their right to advocacy
- act in a manner that seeks to achieve an outcome acceptable to all parties.

All overseas students are required to comply with student visa conditions and Strathcona has a duty to comply with all appropriate student welfare support arrangements until the

relevant complaints or appeals process is resolved. (See *Complaints and Grievances Policy (International Students)*)

### ***The Complaints Manager***

At Strathcona, the Complaints Manager is the Business Manager unless delegated. The Complaints Manager or the Principal may appoint an Investigator to review the details of a complaint and submit a report. The Investigator may be an internal staff member of appropriate authority or a suitably qualified and experienced external provider.

### **Scope**

This policy applies to all students, parents and members of the Strathcona community.

### **Purpose of this policy**

The purpose of this policy is to ensure that:

- Strathcona meets its obligation to respond to complaints and grievances in a fair, effective and efficient manner
- Members of the community are informed of how they can make a complaint and the process to resolve the matter

### **Definitions**

For the purpose of this policy the following terms are defined as follows:

- a “complaint” and/or “grievance” is an expression of dissatisfaction with an action taken, decision made or service provided, or the failure to provide a service, take action or make a decision at the School.
- a ‘parent’ includes:
  - a person who has parental responsibility for ‘major long term issues’ as defined in the Family Law Act 1975 (Commonwealth)
  - a person appointed as ‘guardian’ pursuant to the Children Youth and Families Act 2005 (Victoria)
  - an informal carer with whom the child normally or regularly resides, and who has day-to-day care and control of the child
- an adult student is any enrolled person 18 years or over
- a complaint is considered to be ‘unresolved’ when agreement cannot be reached on a course of action and/or a remedy, or if the remedy cannot be implemented.

- a complaint is considered to be ‘resolved’ when an acceptable outcome to both parties has been reached.
- a complaint is considered to be ‘finalised’ when the Principal has made a final determination on the matter after exhausting the processes set out in this policy

### **Guiding principles**

Strathcona’s complaint-handling process reflects the following guiding principles, which are informed by the Australian/New Zealand Standard – Guidelines for complaint management in organizations (AS/NZS 10002:2014).

1. Visibility  
Information about how and where to make a complaint, as well as how a complaint will be handled, should be regularly publicised within the School community. The actions taken to respond to a complaint should be well documented and include the reasons underpinning any decisions made.
2. Accessibility  
Information about how to make a complaint and the School’s procedures when responding to a complaint should be easily accessible. The complaint-handling process should be flexible and include the ability to make a complaint in person, by phone and in writing. Support should also be given to complainants with special needs, including translations, interpreters and enabling a complainant to seek the services of an advocate.
3. Responsiveness  
Receipt of written complaints should be acknowledged by communicating with the complainant as soon as possible. Complaints should be addressed promptly and the complainant kept informed of the progress of their complaint when the matter is complex and will take time to bring to resolution.
4. Objectivity  
Each complaint must be treated in an equitable, objective and unbiased manner.
5. Cost  
There should be no cost to the complainant for access to the complaint-handling process at the School.

6. Protection of Privacy

Personally identifiable information concerning the complainant should be actively protected from disclosure except where needed in relation to the complaint. This means that the complaint should only be discussed with those directly involved in the complaint-handling process.

7. Student-focused

The School should be open to feedback including complaints and should show a commitment to resolving complaints with the educational wellbeing of students as the first priority.

8. Accountability

Schools are required to have a fair, effective and efficient complaint- handling process. Schools are accountable, both internally and externally, for their decision making and complaint-handling performance. Schools need to be able to provide explanations and reasons for their decisions.

9. Continual Improvement

Complaint-handling procedures should be regularly reviewed for improvement. Complaint data and feedback should be used to identify recurrent themes and to implement improvement measures where a need is identified.

### **General information about handling complaints and grievances**

Strathcona maintains and publicises a fair, effective and efficient complaint-handling process, so that complaints and grievances about events or decisions at the School can be addressed.

The Principal is responsible for the efficient and effective organisation, management and administration of the school including the school's complaint-handling processes.

Members of the community who have a complaint should, in the first instance, make the complaint to the appropriate staff member. This may be the class teacher, Advisor, Year Level Coordinator, Head of House, Business Manager, Deputy Principal or Principal. Complaints may be referred to a member of the School's Leadership Team or Principal. Complaints about the School Principal should be referred to Chair of the School Board.

When addressing a complaint, it is expected that community members and School staff will:

- show respect and understanding of each other's point of view
- operate within applicable legislation
- acknowledge that their goal is to achieve an outcome acceptable to all parties
- act in good faith and in a calm and courteous manner

- recognise that all parties have rights and responsibilities which must be balanced.

### **Unreasonable complainant conduct**

All complaints should be considered in accordance with the School's complaint-handling procedures, outlined in this document, including when the complaining party's behaviour is thought to be unreasonable.

The Principal considers a range of factors and views, however she may at any point in the process outlined in this policy consider a complaining party's behaviour to be unreasonable. In these circumstances, it is appropriate for the Principal to communicate the basis on which the conclusion was made to the complainant in writing. The Principal may also indicate an acceptable procedure for future communication with the complainant about their complaint.

Strathcona considers behaviour to be unreasonable when:

- it is clearly and significantly outside the expectations of co-operation, courtesy and respect
- it calls for staff resources and time unjustified by the nature or significance of the complaint
- an action or complaint is brought without merit, often to cause annoyance to another person
- it is oriented towards conflict
- it has an unreasonable cost impact to the School.

### **Role of the School**

Complaints and grievances are addressed in an environment where parties feel able to speak up about issues concerning the education and welfare of their children, about functions/operations of the School, or about student behaviour in the general community. This is reflected in open, two- way communication within the School, clear roles and responsibilities for all members of the School community, realistic expectations about what can be achieved by the School and an effective, published complaints and grievances handling procedure.

The School's initial response to an incident or issue at the School is critical. It is appropriate to acknowledge what has occurred with those involved and offer an expression of regret for any upset or distress they may have experienced. Those involved in the matter should be assured that the complaint will be explored and, where possible, a full explanation will be provided once the facts are known. Where appropriate, the School should also indicate the steps it intends to take to prevent a similar incident or issue from occurring again.

## School responsibilities

It is the responsibility of the School to respond to and address written (letter and email) and verbal (face-to-face and phone) complaints raised. (Refer appendix 1 for detailed procedures of complaint response)

### Strathcona:

- maintains fair procedures for complaint-handling. As a minimum the procedures include:
  - o who to contact when making a complaint
  - o a description of the actions the School could take once a complaint is received
  - o a time frame for acknowledging written complaints and an expected time frame for complaint resolution
  - o the types of outcomes that the complainant could expect
  - o information about what the School will do if the complaint is not able to be resolved by the School and the options the complainant has to take their complaint further
  
- considers all complaints by:
  - o raising the issues in the complaint with relevant staff and/or members of the School community
  - o consulting, where appropriate, with relevant external stakeholders for technical or other advice
  - o discussing the School's findings with the complainant in an attempt to reach an agreed resolution
  - o considering the engagement of a mediator where a complaint has the potential to become intractable
  
- publicises the School's complaint-handling procedures within the School community and make them readily available
- reviews the School's complaint-handling procedures regularly
- ensures that formal complaints and grievances received are recorded and actions taken to resolve the complaint are well documented
- ensures a School record of all formal complaints, both written and verbal, is maintained in the School's Assurance database
- ensures all School staff are aware of the School's complaint-handling procedures
- actively assists community members with the complaint process, informing them that at any point of the complaint process they are able to be supported by a support person. The complainant should inform the Principal if they want to include a support person in the complaint process and provide the name, contact details and the relationship to the complainant. A support person's role may include:
  - o assistance for the complainant to clarify the issues in the complaint
  - o discussion of difficulties being experienced by the complainant
  - o assistance in the development of a co-operative and collaborative working relationship between the complainant and the School community

- o assistance for the complainant to understand the Schools' policy and guidelines and the resolution being proposed for the complaint.

### **Resolving complaints**

The Principal may enlist the services of external bodies to help resolve a complaint. Where a complaint is found to be justified, Strathcona is able to resolve the complaint by:

- an apology or expression of regret
- a change of decision
- a change of policy, procedure or practice
- offering the opportunity for counselling or other support

### **Complaints Register**

The School will maintain a Register of Complaints. As noted in the attached procedure, complaints will not be added to the Register if:

- they are deemed minor, frivolous or
- are resolved using the informal process noted in the procedure.

Complaints will be added to the Register if:

- they are deemed vexatious (and dismissed as a result) or
- follow the formal resolution process noted in the procedure.

From time to time, the School Board will review the activity noted on the Complaints Register and review any key areas of concern or issues that are regularly reported. The Board may request additional detail from the Principal on:

- trending complaint areas and/or
- any specific impact on the School – Financial or Reputational.

## APPENDIX 1

### Procedure for Handling Complaints

When the School receives a complaint (either written or verbal), the School must follow the processes outlined in the following steps:

#### 1. Report the Complaint

A complaint is made by a member of the School Community or the general public to a member of staff. Members of the general public can make a formal complaint to the Complaints Manager via this [public link](#).

#### 2. Acknowledge the complaint

The member of staff will acknowledge receipt of the complaint and will pass the information to the Complaints Manager.

#### 3. Record the complaint

The complaint is recorded in the on-line system and the Complaints Manager is notified. The Complaints Manager will determine if the complaint is warranted or vexatious. If the complaint is deemed warranted, the Complaints Manager will notify the Principal and an investigation will commence. If the complaint is deemed vexatious, the complainant will be advised and no investigation will be conducted.

#### 4. Complaint handling

There are two different ways of handling complaints: through an informal process or a formal process. The Complaints Manager will determine the initial response based on consultation with members of the Executive Team and the complexity of the complaint.

##### a. Informal process

Most complaints, concerns and disputes raised with a staff member are of a minor nature, or the complaint is a result of misunderstanding or lack of communication. These kinds of complaints are better resolved through an informal process. Informal procedures can take three distinct forms:

- an informal discussion between the Principal or appropriate School Leader and the complainant often leads to resolution (sometimes, the complainant may just want the Principal or appropriate School leader to talk to the School staff member on their behalf)
- the Principal or appropriate School leader talks to both the complainant and the respondent separately and then reaches a resolution



- the Principal or appropriate School leader can bring the complainant and respondent together for conciliation

Note: If a complaint is resolved through the informal process, the complaint will not be added to the Complaints Register.

b. Conciliation

Conciliation is not mandatory however, bringing the complainant and respondent together to discuss their different perspectives on the issue encourages quick and simple resolution. If the complaint is resolved at this point, the complainant will be formally advised in writing by the Complaints Manager.

If, however, the informal process does not resolve the complaint, then formal procedures should be implemented. Note that an informal process may be formalised at any time by the Principal, her delegate, the complainant or the respondent.

c. Formal process

There are three steps to the formal procedure:

1. investigating the complaint;
2. making a finding;
3. determining appropriate action.

Formal procedures begin with requesting the complaint be put in writing, if it has not already been done. To investigate the complaint, the Principal or investigator must:

- establish the precise nature of the complaint
- investigate the complaint for substance
- notify the respondent in writing of the complaints against them
- advise both the complainant and respondent of their right to have a support person with them at all interviews and discussions
- interview the complainant and respondent separately
- keep written accounts of all interviews and discussions

Note: If a complaint is moved to the formal process for resolution, it will be added to the Complaints Register.

Dismissal of complaint

To make a finding, the Principal or investigator must consider all the evidence. If it is established that the complaint has no substance and evidence is vague or ill-defined, then the complaint can be dismissed. A letter outlining the outcome of the investigation must be sent to both the complainant and the respondent.

### Unsatisfactory performance procedures

If the evidence is clear and the Principal or the Complaints Manager can substantiate the complaint, appropriate action will then be determined by the Principal.

A written response outlining the issues, the decision made and the outcome of the complaint will be sent to both the complainant and the respondent.

It may not always be possible to resolve all complaints to the complainant's satisfaction. This could happen when the nature of the issues raised in the complaint is governed by Strathcona policies or procedures or if the complainant has unrealistic expectations about the outcome of their complaint.

### **Natural Justice**

In all investigations, natural justice will be afforded to the respondent of any specific complaint made against them.

#### **What is natural justice?**

Natural justice is the right to be made aware of, and respond to information which will be used in the course of a decision that will negatively affect the person. It is also called procedural fairness.

In the context of a complaint made against an individual, natural justice requires that the individual be provided with sufficient information to enable them to understand and respond to the complaint made against them.

In most cases, the information that will be subject to natural justice considerations will only be part of all the information dealt with and collected in the course of the complaint process.

To provide natural justice, the decision-maker must give the person who may be negatively affected by a decision sufficient information (ie: a description of the possible decision, information on which any such decision would be based, and the criteria for making that decision) so that they may respond to the case against them.

### **Service Standards**

| <b>ACTION</b>  | <b>RESPONSE FROM DATE OF RECEIPT OF COMPLAINT</b> |
|--|---|
| Acknowledge complaint                                    | 2 school working days                             |
| Assess the request and respond                           | 10 school working days                            |
| Complete investigation and notify complainant of outcome | 45 school working days                            |

*Note: School working days does not include term breaks or non-student days.*

### **Frivolous or Vexatious complaints**

Vexatious complaints are considered serious misconduct. If a complaint is determined by the Complaints Manager, in due course, to be vexatious or frivolous in nature, then the Principal or the Complaints Manager can dismiss the complaint with no further action. The Complaints Manager will advise the complainant if the complaint is dismissed, and on what grounds.

Note: In these instances, the complaint will be added to the Complaints Register to ensure that an historical record is available for future reference.

For the purpose of this policy:

- Vexatious is defined as a claim made for the sole purpose of harassing or injuring another party.
- Frivolous is defined as a claim that has no merit whatsoever.

### **Confidentiality and documentation**

Complaint handling procedures must be confidential in nature.

It is the Principal's (or Principal's delegate's) and the Complaints Manager's responsibility to ensure that all complaints are handled with absolute confidentiality and that all documents are confidentially and securely stored.

### **Students with a disability**

Students with disabilities have rights under the Disability Discrimination Act 1992 (Commonwealth), the Disability Standards for Education 2005 (Commonwealth) and the Equal Opportunity Act 2010 (Victoria) to access their education on the same basis as their peers, including the right to reasonable adjustments.

As with all complaints to which this policy applies, parents should raise any concerns or complaints regarding the treatment of a student with a disability with the school in the first instance. Strathcona also recognises that parents of students with a disability can raise complaints or concerns regarding a student with a disability in a number of forums, including:

- the Australian Human Rights Commission – in relation to complaints regarding compliance with the Disability Discrimination Act or the Disability Standards for Education
- the Victorian Equal Opportunity and Human Rights Commission – in relation to complaints regarding compliance with the Equal Opportunity Act

## Decision review

If the complainant is not satisfied with the investigation process or the official outcome, they may present written notification to the Chair of the School Board, requesting a review of the complaint resolution process.

The Board Chair will consider the request if:

1. new information is provided, and confirmed by the Chair after review,
2. a breach of procedure is established, or
3. the matter is considered to relate to the Board's responsibilities and function

The Board Chair (or delegate) will:

1. Acknowledge receipt of the request within 5 school working days via the Complaints Manager.
2. Assess the request and provide a written response on next steps within a further 10 school working days.
3. Complete the assessment and provide an outcome within a further 30 school working days.

Note: School working days does not include term breaks or non-student days.

The outcome will be:

1. To endorse the decision of the Principal of the School, or
2. Request the Principal to conduct a new investigation to review the complaint on the basis of any new information received, or an issue related to procedural breach.

The Complaints Manager will inform the complainant of the Board Chair's decision.

## Appeals

In the event that a dispute between a complainant and the School is unable to be resolved within the School, the independent arbiter would be the Director of Ministries of the Baptist Union of Victoria or his or her nominee.

Alternatively, the complainant is within their rights to raise the dispute with the CEO of the VRQA who can investigate the matter and seek resolution of the matter in accordance with their legislative responsibilities.

Contact VRQA on 03 9637 2806 or [vrqa@edumail.vic.gov.au](mailto:vrqa@edumail.vic.gov.au)

VRQA website: [WWW.VRQA.vic.gov.au](http://WWW.VRQA.vic.gov.au)