

## Complaints and Grievances

*Berengarra takes a zero-tolerance approach to child abuse and is fully committed to ensuring that its strategies, policies, procedures and practices meet all Child Safety Standards as specified in Ministerial Order No. 870 (2015)*

### Context

Berengarra School is open to the concerns of parents, students, staff, visitors and the wider School community and any complaint or grievance will be received in a positive manner and taken seriously. All decisions related to a complaint or grievance will be made with consideration for the wellbeing of the individual as well as for the School.

Complaints and grievances may be heard informally or formally, and verbally or in writing. Formal avenues for handling of complaints and grievances will be fully documented. Complainants will be treated with respect and without intimidation should they choose to follow the Complaints and Grievance process.

### Aim

To provide a process for parents, students, staff, visitors and members of the School community to follow in the event that they have a complaint or grievance with the School.

**Definitions** – For the purposes of this policy, the following definitions apply:

**Complaint:** a statement that something is unsatisfactory or unacceptable

**Grievance:** a real or imagined wrong or other cause for complaint or protest especially unfair treatment

**Complainant:** refers to the individual making the complaint or grievance

**Respondent:** refers to the individual against whom a complaint or allegation is made

**Investigator:** refers to an independent person who may be asked to investigate allegations or details of a complaint or grievance, without personal interest or bias

### 1. Principles of Fairness:

The principles of natural justice must be observed and include the following:

- The right of each party to be aware of the complaint/allegation being made against him/her
- The right of each party to be heard with respect to the complaint/allegation
- The right of each party to be treated fairly
- The right of each party to have a support person present during meetings
- The right of each party to a decision maker who acts fairly and in good faith

### 2. Record keeping:

- Records of the complaint, the process for handling the complaint, and any outcomes should be carefully and accurately kept
- Where the complaint is found to be vexatious or based on misinformation, records should be kept in a file separate to that of the staff member concerned

- Where a complaint is addressed or acted upon, a copy of any reports related to the handling of the complaint should be made available to the staff member concerned
- If a staff member believes that the process of handling the complaint and/or the outcome of the complaint have been unfair and/or inappropriate, they have the right to pursue grievance procedures

### **3. Confidentiality:**

- All persons involved in a complaint, grievance, unsatisfactory performance or misconduct process must observe confidentiality, unless otherwise authorised or required to disclose information
- Staff members are entitled to seek personal and professional support and advice from a union or other professional body or person
- Should details of a complaint or grievance become widely known, it may be less likely that the matter will be resolved to the satisfaction of parties involved
- The requirement for confidentiality should not impede the ability of any party to prepare a response to an allegation
- The Principal must advise all parties of their obligation to keep details of the investigation confidential and to respect the confidentiality rights of those involved
- The use of electronic communication including email as part of the process may require particular care to ensure that confidentiality is not breached

### **4. Source of complaint or grievance:**

#### **When the complaint or grievance involves a parent:**

- If a complaint or grievance to a classroom teacher is of a minor nature and easily resolved then the parent and teacher should act together to resolve the issue. As a professional courtesy, the Principal should be informed of any complaint or grievance.
- If the complaint or grievance is of a more serious nature then the classroom teacher should refer the complainant to the Principal
- The Principal may choose to interview students without parents or staff members under investigation being present, but with another impartial staff member present at all times
- The School's representative will record the details of the complaint or grievance, the steps taken and time frame involved to resolve the matter
- Failing resolution by the Principal, the parent may request that the matter be referred to the Board Chair who is the final authority on matters concerning the School

#### **When the complaint or grievance involves a student:**

- The teacher and the student should act to resolve a minor complaint or grievance to the satisfaction of both parties. If the student feels that they cannot raise the matter directly with the staff member concerned, if a satisfactory resolution is not achieved, or if the matter is of a serious nature, the student may approach the Principal
- The School's representative will record the details of the complaint or grievance, the steps taken and timeframe involved to resolve the matter

#### **When the complaint or grievance involves a staff member:**

Complaints in relation to school staff may arise from:

- Unprofessional conduct and/or unsatisfactory performance including matters relating to school finances or to school property

- Allegations of aggressive, demeaning or uncooperative behaviour
- A particular incident
- Allegations of unlawful discrimination or racial or religious vilification
- Allegations of unlawful harassment, including sexual harassment
- Allegations of bullying, as defined by the Victorian Work Cover Authority
- Decisions made, or not made, by the Principal and/or staff, that a complainant believes are unfair, unreasonable or inappropriate

In relation to a complaint about another staff member, a staff member should consider:

- Arranging a meeting with, and speaking directly to, the staff member privately
- Speaking to an appropriate support person within the school
- Speaking directly to, or writing to, the Principal about the complaint or grievance who will then determine a course of action
- Seeking assistance from a union or other professional body or person

Note: All complaints which are considered to be serious should be taken directly to the Principal who may then consult with the Board Chairperson and/or members or with other appropriate parties.

#### **When a complaint or grievance involves the Principal:**

In relation to a complaint about the Principal, the complainant should consider:

- Speaking directly to the Principal either alone or with a support person
- Writing to the Principal requesting a meeting to discuss the issue
- Seeking assistance from a union or other professional body or person
- Arranging to speak with a member of the Board of Management who may discuss issues related to school policy but not to school operations. If the complainant believes that the School Principal has breached laws in relation to assault, discrimination or financial management, then such matters should be documented and provided in writing to the Board Chairperson so that the matter may be further pursued

### **5. Procedures for dealing with a Complaint or Grievance:**

- i. Acknowledgement of the Complaint or Grievance
  - A verbal complaint or grievance will be acknowledged and recorded by the School's representative at the time of communication of the complaint or grievance
  - A written complaint or grievance will be acknowledged in writing within two working days
- ii. Receiving the Complaint or Grievance:
  - The role of each person at the meeting or investigation will be established
  - The complainant will be listened to and supported and their concerns will be acted upon as quickly as possible
  - A timeline will be agreed upon for investigating and resolving the complaint or grievance
  - The complainant may choose to withdraw the complaint or grievance at any time

- iii. Investigating the Complaint or Grievance:
  - The parties will be informed that any information obtained in the meeting or investigation will be confidential
  - A chronology of events (who, what, why, when, how, etc.) will be established with the complainant
  - Any applicable School policies or procedures will be identified for the complainant
  - The respondent will be given the right of response
  - An independent investigator may be appointed if required.
- iv. Resolving the Complaint or Grievance:
  - The complainant will be asked for the outcome they are hoping for (best case scenario), and the next steps will be discussed, providing a reasonable and agreed time frame of when to report back or meet again
  - It will be explained that the complainant will not be adversely affected because they have made a complaint or grievance and they will be notified about who to report matters to if they feel that they are being adversely affected
  - Time will be provided for the complainant to ask questions
  - Detailed notes will be taken of the conversation (including dates, people involved), including any supporting documentation.
- v. Providing an Outcome:
  - The complainant will be provided with a written summary of the meeting and clarification of the next steps to be taken, within a set time frame.
  - Should the matter remain unresolved then either the complainant or the School may refer the matter to a higher authority, as outlined in this policy.
  - The meeting should be conducive to maintaining positive relationships and the School's representative should ensure that there is a fair, objective analysis of the situation.
- vi. If the matter is not resolved:
 

If the complainant wishes to pursue an unresolved matter, the issue should be referred to the Principal. The Principal reserves discretion as to making a final decision as to how the complaint or grievance will be resolved. In the event that the complaint or grievance involves the Principal, the Board Chair will be given absolute discretion as to how the matter will be resolved. The complainant also has the right to seek further resolution through relevant independent authorities, such as Independent Schools Victoria (ISV) or the Victorian Registration and Qualifications Authority (VRQA).

## **6. Fairness and Transparency:**

Procedural fairness and transparency should be maintained at all times to:

- Protect the rights, interests and expectations of the participants in the investigation
- Enhance the credibility of the investigation process
- Rely on the investigation when making decisions
- Defend decisions in a court or tribunal.

Note: If, in any of the cases outlined above, a successful resolution is not achieved, or where the parent, student, staff member, or member of the community remains dissatisfied and would like access to a mediator, external counsellor or other independent regulatory body, the School will provide assistance with a referral.

**The investigator should ensure that:**

- The respondent is aware of all the allegations made against them in sufficient detail
- The respondent is allowed a reasonable opportunity and adequate time to respond to each of the allegations
- An investigation is carried out within a reasonable timeframe
- The investigator is independent and has no personal interest or bias in the matter being investigated
- Participants are given the opportunity to have a support person in the interviews pertaining to the investigation
- Participants are required to maintain confidentiality and sign a confidentiality agreement
- Participants are given the opportunity to respond to any contradictory evidence
- The investigator makes reasonable and diligent enquiries to ensure that there is sufficient evidence before making findings
- The investigator is impartial and does not have a vested interest in the outcome of the investigation and any potential conflicts of interest should be disclosed.

***Endorsed by Board: August 2017    Review Date: August 2021***