

## MANAGING COMPLAINTS, GRIEVANCES AND CONCERNS Policy

Ratification	Date:	Next Review:	Availability:	Actions:						
RNS Board	01/09/2021	By 01/07/2022 or after an event or changes to the minimum standards as advised by the VRQA	<table><tr><td>Web</td><td>X</td></tr><tr><td>Office</td><td>X</td></tr><tr><td>On Request</td><td>X</td></tr></table>	Web	X	Office	X	On Request	X	Make available to all students annually by including e-links in Student Handbook and having an e-copy uploaded onto each students RNS issued USB.
Web	X									
Office	X									
On Request	X									

### PURPOSE

An employee, student, parent or community member can have a complaint about any decision, behaviour, act or omission (whether by the Principal, Teachers or other staff/students or parents/carers) that they feel is discriminatory or unreasonable.

Sometimes the aggrieved person can address the issue by raising the complaint directly with the person involved with the issue. However, that is not always possible, and sometimes several attempts at local or face-to-face resolution have been attempted or have taken place with little success. Whilst most issues can be resolved through direct discussion with the parties involved, there may be instances in which to take up the issue with the other person on a face-to-face basis is not possible and so formal procedures are necessary.

### PRINCIPLES

River Nile School endorses the guiding principles of the National Safe Schools Framework which states that Australian schools should:

- Affirm the rights of all members of the school community to feel safe and be safe at school.
- Acknowledge that being safe and supported at school is essential for student wellbeing and effective learning.
- Accept responsibility for developing and sustaining safe and supportive learning and teaching communities that also fulfil the school's child protection responsibilities.
- Encourage the active participation of all school community members in developing and maintaining a safe school community where diversity is valued. AGS Complaints, Grievances & Concerns Policy 3
- Actively support young people to develop understanding and skills to keep themselves and others safe.
- Commit to developing a safe school community through a whole-school and evidence-based approach.
- The school recognises that these principles are especially important when dealing with all aspects of complaint handling as harmonious relationships underpin successful schooling

Complaints, Grievances and Concerns covered by this procedure include:

- issues related to learning and teaching
- issues related to student discipline procedures
- damage/loss of personal property
- bullying and harassment

The school recognises that some complaints may not be resolved within the confines of the school and that any complainant is entitled to seek further redress as outlined below.

Pathways for pursuing a complaint outside the confines of the school include:

The Victorian Registration & Qualifications Authority (VRQA):

*The Education Training and Reform ACT Regulations - Part 8 - breach of the principles, requires the VRQA to investigate complaints from members of the public alleging a breach by a registered school or a person, body or school registered under Division 3 or 4 of Part 4.3 of the ETR Act, of the principles in s1.2.1 (a), (c), (e) or (f) of the ETR Act.*

The Australian Health Practitioner Regulatory Authority (AHPRA): If your concern is with Health centre staff.

Independent Schools Victoria (ISV)

The Victorian Institute of Teaching (VIT):

Advice from the VIT website is as follows:

In many cases, concerns you have about a teacher can be resolved appropriately by discussing them with the teacher's employer. Before you lodge a complaint with us, we encourage you to contact and speak with the:

- Principal.
- The governing body of the school.
- We can only deal with complaints that relate to allegations of:
  - Misconduct.
  - Serious misconduct.
  - Serious incompetence.
  - A teacher's mental and physical ability to teach.

If your complaint relates to one or more of these areas, then you may lodge a complaint with VIT about a registered teacher.

### **Procedure for Making a Complaint**

Any complaint that comes to the attention of the school is to be handled in the most appropriate manner at the earliest opportunity.

Some complaints, because of the seriousness of their nature, should be referred immediately to the Principal – e.g. complaints about behaviour which places others at risk of serious harm. All issues to do with the abuse of children should trigger the procedures outlined in the Child Safe Policy.

#### **1. Before making a formal complaint:**

If a problem or concern that arises within the school cannot be resolved with the person involved with the issue, then it would normally be raised with an appropriate staff member with a view to discussing the issue and seeking resolution of such problems or concerns.

#### **2. Making a formal complaint:**

If the above process of raising the concern, obtaining the facts, and obtaining resolution is not producing a satisfactory outcome, the following procedure can be used. The purpose of this procedure is to offer a process by which employees/students/parents/community members can have complaints dealt with.

#### **3. Who may use this procedure?**

- All employees.
- Students within the school.
- Parents/caregivers of students at the school.
- Members of the wider community.

4. Key elements of our complaints handling policy:

- a. Impartiality and procedural fairness: If you make a complaint, it will be investigated in a fair and impartial manner. No judgements or assumptions will be made, and no action will be taken until the investigation is complete. If a complaint is made against you, your rights will be protected and you will be given an opportunity to tell your side of the story. All persons involved will be kept fully informed of the details as appropriate. If the school obtains legal advice in connection with a complaint however, the advice is privileged.
- b. Confidentiality: Where possible, a complaint made under this procedure will remain confidential. The only people who will have access to information about the complaint will be the person making the complaint, the person to whom the complaint is made, the person investigating and any third party who may be involved. The person about whom the complaint is made also has a right to be informed. Where a complainant asks to remain anonymous, the investigating officer will decide whether that request can be conceded to and whether it is practical to do so. Depending on the nature of the complaint however the school reserves the right to disclose details of the matter to any other persons who, in our opinion, need to know, in order to facilitate the resolution of the complaint.
- c. No victimisation: You can also rest assured that if you make a complaint you will not suffer in any way as a consequence. The School will make every effort to see that a person who makes a complaint is not victimised in any way.
- d. Vexatious or malicious complaints There is an underlying assumption that complaints are made in good faith (and with good will) and with an intention for resolution as opposed to retribution. Where the investigating officer believes the complaint is malicious, vexatious, frivolous or lacks substance, he or she may deem not to investigate or proceed but will document the complaint and inform the complainant.

5. Timeliness

Each complaint will be finalised within as short a period of time as possible. Complainants will be advised if the matter cannot be finalised within one month.

6. Subpoenas and Court Orders

The school must comply with the law and respond to any subpoenas issued. The school must be informed of any court orders pertaining to a child and undertakes to do its best to support those court orders. However, the school is not obliged to enforce court orders to the detriment of the safety of staff and other students.

7. Access and Transparency

The school will ensure that this policy is accessible to the public and that the policy is enforced in a clear and consistent manner.

8. Accountability

The school acknowledges the need to ensure that the complaint handling procedures are open to review and scrutiny by all stakeholders.

9. Consideration for persons of a Culturally Diverse, Family Diverse or Linguistically Diverse Background, or with a Disability

The school understands and respects the diversity of the school and wider community and understands that a range of issues may affect a complainant which means the school needs to make allowances for or provide assistance with the process as set out in this policy. For example, an interpreter may be required to ensure that facts are accurate and the exchange of information is fairly represented. The school will endeavour to honour due diligence in this area and make every effort to accommodate diverse needs to ensure equality of process.

## WHAT TO DO IF YOU HAVE A COMPLAINT, GRIEVANCE OR CONCERN

### 1. Approach the person involved

In many situations, the most appropriate thing to do first is to tell the person who is the cause of the complaint how you feel. If the complaint is about their behaviour, tell them that it is offensive/hurtful/not acceptable. If it is about a work decision, tell them why you think it is discriminatory, harassment, unfair, unjust or unreasonable. Telling the person will give them a chance to stop or change what they are doing or explain what they had decided and why. In this way many situations can be resolved before they become formal complaints. If the complaint is able to be resolved immediately, and no further action is deemed necessary, the person receiving the complaint will document it appropriately in their personal file for future reference.

### 2. Contact the School

Where you feel you cannot approach the person directly or you are not happy with their response or reaction, then you can explain the matter to the appropriate person at the school. An inquiry at the school reception may be the first point of contact for people with complaints. You do not have to tell the front office staff the nature of your complaint if you do not wish to, but any information you do give will assist them in directing your complaint to the right person. You will be advised as to the person designated to deal with the nature of the complaint. This person may be a classroom teacher, Welfare Director, the Assistant Principal or Principal. The designated person will advise you about what your options are and what will happen if you make a formal complaint. All staff are authorised to receive complaints in the initial stage and act as a 'designated person'. Once the complaint becomes a formal complaint it will be passed on to the Principal who will then be deemed the Investigating Officer unless the complaint is about the Principal in which case the Chair of the Board will appoint a suitably qualified alternative. The Investigating Officer may co-opt other staff to assist in any part of the process. Occasionally some parents may contact the Board directly with a matter of concern. The Board is not involved in the day to day running of the school and will refer any complaints back to the Principal.

### 3. Contact the Victorian Institute of Teaching (VIT), The Victorian Registration & Qualifications Authority (VRQA), The Australian Health Practitioner Regulatory Authority (AHPRA); Victorian Institute of Teaching (VIT), Independent Schools Victoria (ISV).

Where you feel you cannot approach the person directly or you are not happy with their response or reaction, and you have a good reason not to raise the issue either with the school designated person or the school Principal, then you can contact the VIT or VRQA or any relevant other statutory body. An officer will usually discuss raising your concerns at the school level with you. They can also advise you about your options. These bodies can also assist with advice if you feel the matter with the school has not been resolved.

## WHAT HAPPENS NEXT?

1. Once you have made the complaint to the school the designated person will then consider whether there are any reasons why he/she should proceed to deal with the complaint. For example, the person you complained about may be a personal friend. If there is such a reason which indicates it is inappropriate for the designated person to deal with your complaint, it will, with your consent, be referred to another appropriate person.
2. The designated person will then make a report to the Welfare Director. Together they will decide the most suitable personnel to be involved in the process. They will then interview you or organise another appropriate person to interview you. During this interview a number of things will be explained to you, such as what will happen if the complaint is found to be supported by the evidence, or if it is found to not be supported by the evidence. You will also be told where you can go for assistance if you are not happy with the way the school is dealing with the complaint. The designated person will then take a written record of the complaint.
3. The designated person will then speak to the person about whom the complaint is made to hear their side of the story. Any witnesses will also be interviewed. These interviews will be conducted separately and impartially. Written reports about the complaint may be requested. The importance of confidentiality will be stressed to all parties and they will be warned of the consequences if there is a breach of confidentiality (e.g. possible defamation action, initiation of a complaint for harassment etc.)

4. The designated person will then tell you what the other people said and discuss what should be done to sort out the matter. You should tell the person what action you would like taken, e.g. a written apology from the person, a written warning, etc. This allows the designated person to understand, from your perspective, what you believe you need from the process. It will not dictate the remedy that might ultimately apply.
5. Review - If the complaint remains unresolved it will be reviewed by the Chair of the Board. He/She will make a final decision as to the outcome of the complaint.

## POSSIBLE OUTCOMES

1. If the complaint is upheld or sustained, the following are possible outcomes depending on the nature of the complaint:
  - An agreement between the parties.
  - A verbal apology.
  - A written apology.
  - Suspension.
  - Expulsion
2. If a complaint is not upheld or not substantiated (e.g. there is insufficient evidence) but some issues come out of the investigation that are required to be addressed then, possible outcomes include:
  - Relevant training for employees and/or students; and/or;
  - Monitoring of the behaviour of employees and/or students.
  - Counselling for the aggrieved person.
  - Mediation at the local level.
3. If the complaint is proved not to have happened at all, or if there is evidence that the complaint was made with the main purpose or intent of causing distress to the other named as the source of the grievance, the following are possible outcomes:
  - Counselling for the person who made the complaint.
  - A written apology from the person who made the complaint.
  - An official warning.
  - Referral for disciplinary action for students and staff.

The relevant designated person will make sure that whatever outcome is decided upon actually happens.

The designated person or the school Principal (unless they are the object of the complaint or grievance) will also assess the effectiveness of the outcome from time to time.

## APPEALS

There are avenues of appeal if you feel that the complaints procedure has not been followed properly, or that the outcome is unacceptable to you.

1. Appeals at school level
  - To the Principal if the Principal has not been involved in investigating or examining the complaints, or is not the person named as the source of the grievance.
  - To the Chair of the Board if the Principal has been involved.

The appeal will consider:

- The way the complaint was handled and examination of the outcome.
- If he/she believes it was handled properly (and in accordance with the steps outlined in this policy) and that the outcome was appropriate he/she will take no further action.
- If he/she thinks that the complaint was not handled properly (and in accordance with the steps outlined in this policy), or that the outcome was inappropriate, he/she will organise for the complaint to be looked at again.

Someone other than the person who first handled the complaint will always deal with an appeal.

## 2. To an external agency

If you are not happy with the way your complaint has been dealt with by the school, you may wish to go to an external agency for further advice and assistance. You may take your complaint to the external agency at any stage in the procedure if you are unhappy with progress in dealing with your complaint. The agencies that would most likely have jurisdiction are:

- Human Rights and Equal Opportunity Commission (Federal).
- Victorian Equal Opportunity and Human Rights Commission.
- VIT (see above)
- VRQA (see above).
- Consumer Affairs Victoria.
- Fair Work Ombudsman.
- WorkSafe Advisory Service.
- The Australian Health Practitioner Regulatory Authority (AHPRA).

### CHILD PROTECTION PROCEDURES

Nothing in this document replaces procedures developed by the school in respect of the investigation of matters arising under the Child Safe Standards in the RNS Child Safe Policy (2016).

### RECORD KEEPING

Records of complaints, interviews and other documentation relating to a complaint are kept at the school (where dealt with at school level) in a separate complaints file. If the complaint is about a person, documents are placed in a restricted access file. If there are considered to be serious ongoing management or care issues relating to a complaint, there will be a cross-reference to the restricted file on the staff member or student file.

### COMMUNICATION OF THIS POLICY AND PROCEDURES

This Policy and associated Procedures will be available in hard copy at the School Office / Reception and on the school website. Additionally, e-Links to it are provided in the Student and Staff Handbooks and all students are provided with a USB with copies of this (and other relevant policies, procedures, codes and guides) loaded on it so that all members of the community may access it.

### EVALUATION

This policy will be formally reviewed by River Nile School every three (3) years.

#### The River Nile School Inc.

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