

COMPLAINTS POLICY

Approver: Board

Owner: Principal

Last Reviewed By: Board

Next Review Date: June 2019

1. Purpose

- 1.1. Melbourne Montessori School ("MMS") understands that from time to time parents, external organisations and other stakeholders may be dissatisfied or have a concern or complaint in relation to a decision taken or an action or activity for which MMS is responsible¹. Where possible MMS encourages such concerns to be identified and resolved speedily and informally; the complaints policy is designed to apply when that proves more difficult and a formal process is required.
- 1.2. The purpose of this policy is to set out the principles, guidelines and procedures governing the school's approach to the resolution of complaints from parents. The policy, together with the procedural documents listed in section §11, should be read and understood by all staff and by those wishing to make a formal complaint.

2. Principles

- 2.1. MMS believes that staff, parents and students are committed to working closely together to provide the best educational opportunities for every child. MMS is committed to the development of professional, trusting and co-operative relationships between the school, parents and the school community. MMS takes the view that complaints should not give rise to victimisation or reprisal.
- 2.2. The school believes that complaints are an important way in which parents and the school community can provide the school with feedback and so form the basis for future improvements. The school will undertake to respond to both the specific and (where applicable) the systemic issues raised by the complaint.
- 2.3. Where possible MMS encourages concerns and complaints to be identified and resolved speedily and informally; the complaints policy is designed to apply when that proves more difficult and a formal process is required.
- 2.4. MMS is committed to child safety and has a zero tolerance of child abuse. In the context of this policy the response to a complaint relating to child safety, particularly any in relation to Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable, will be given the highest priority and attention.²
- 2.5. The complaints policy and procedures are intended to be conciliatory, non-adversarial and non-legal.

3. Principles governing the way in which complaints are handled

- 3.1. In resolving a complaint the school will give priority to the student's wellbeing and educational needs.
- 3.2. MMS will respond to all formal complaints in a timely manner. MMS will acknowledge the complaint promptly and parents will be kept informed of the progress of their complaint, particularly when the complaint is complex and may take time to resolve.

¹ The Complaints Policy is written primarily with parents in mind. The same policy will, however, be used in responding to complaints from external organisations and other stakeholders.

² Concerns raised in relation to the Child Safe Standards will be dealt with in accordance with the school's Child Safe Standards Policy

- 3.3. MMS will ensure that the complaint procedure is responsive and flexible. In practice that means that parents are able to make a complaint in person, by phone or in writing. The school will provide support for parents with specific needs [for example language translation].
- 3.4. MMS is committed to natural justice. The school will ensure that all those involved in the complaints procedure will be able to put forward their point of view and will be treated with dignity and respect.
- 3.5. The complaints procedures will be restricted to dealing with the matter raised by the complaint and not with any other matters.
- 3.6. MMS will endeavour to respond to each complaint in a fair, objective and unbiased manner, taking into account the school's mission and values. Anyone involved in the complaint will be required to declare any conflicts of interest.
- 3.7. In dealing with the complaint MMS is committed to acting in a confidential manner and expects that parents involved in the complaint will show similar respect for the process and for others involved by doing likewise.
- 3.8. MMS may determine that a complaint is vexatious (where the complaint is designed to harass, annoy or embarrass the school or another parent) or spurious (where the complaint has no real basis in fact or is manifestly groundless). When this is the case the parent making the complaint will be informed in writing of the decision.
- 3.9. MMS will ensure any actions, outcomes and the resolution of a complaint are well documented, kept on file and that the parents concerned have a copy of the final decisions.
- 3.10. MMS will ensure that the handling of complaints does not contravene the school's Privacy Policy. The school will seek actively to prevent the disclosure of personally identifiable information concerning the parents and students involved in the complaint.

4. Who handles complaints?

- 4.1. Where possible MMS encourages concerns to be identified and resolved speedily and informally with the member of staff most directly involved e.g. classroom teacher/the Deputy Principal/the Principal.
- 4.2. Where the concern has not been resolved to the satisfaction of those concerned, a formal complaint under the auspices of this policy may be made to the Principal.
- 4.3. If the complaint concerns the decisions, actions or activities of the Principal, a formal complaint should be made to the Chair of the School Board.
- 4.4. Any appeals process should be addressed to the Chair of the School Board and will be handled by a sub-committee of the School Board.

5. What issues are covered by this policy?

Issues that might be considered under the complaints policy could include, for example:

- 5.1. A breach of the obligations by the school in relation to the democratic principles as set out in the Education and Reform Regulations (2007)³
- 5.2. Availability of information about the school's performance
- 5.3. The right of a parent or student to access information about the student's achievement
- 5.4. Decisions, actions, or activities for which the school is responsible and which are thought to go against the spirit of the school's mission and values or which are inequitable or procedurally unfair
- 5.5. Perceived personal concerns that impact school-related interpersonal relationships.

6. Scope

- 6.1. The Complaints Policy does not apply to concerns that staff may have in relation to their employment. Those concerns are covered in the Grievance Policy (Staff).
- 6.2. The Complaints Policy does, however, apply to concerns that a prospective employee might have in relation to the appointment of staff.

³ This, together with 5.2 and 5.3, are requirements as set out in the VRQA "Guidelines to the Minimum Standards" (June 2017) p11

6.3. The Complaints Policy does not apply to students. The school has created an internal student friendly process for students to use when something goes wrong or is difficult for them.

7. Breach of Policy

7.1. Any breach of school policy by a parent will be considered by the Principal and will be dealt with on a case by case basis.

7.2. The Principal may take such action as considered appropriate in response to a breach of the policy including the:

- 7.2.1. Provision of a verbal or a written warning
- 7.2.2. Withdrawal of certain privileges or opportunities
- 7.2.3. Exclusion from future school events or functions
- 7.2.4. Exclusion from the school grounds and facilities
- 7.2.5. Revocation of their child's enrolment

8. Legal and regulatory basis for compliance

8.1. Education and Training Reform ("ETR") Act 2006 (Vic.)

8.2. Education and Training Reform Regulations (2007)

8.3. Victorian Registration and Qualifications Authority ("VRQA") Minimum Standards

8.4. Child Safe Standards Ministerial Order 870

8.5. Privacy Act 1988 (Cwlth)

9. Roles and Responsibilities

9.1. The School Board is responsible for:

- 9.1.1. Determining this policy and reviewing it on an annual basis;
- 9.1.2. Responding to any formal complaint raised that relates to the Principal
- 9.1.3. Responding to an appeal if that is lodged in relation to an unresolved formal complaint

9.2. The Principal is responsible for:

- 9.2.1. Determining the complaints procedures and ensuring they are implemented in a way that is consistent with this policy
- 9.2.2. Ensuring the complaints policy is communicated to parents and the wider school community via the website with copies also available from the school Reception
- 9.2.3. Responding to a formal complaint brought under this policy
- 9.2.4. Retaining a register of formal complaints (listing the date, subject and resolution) for reporting to the School Board on an annual basis and to be available to the VRQA as required.

9.3. Members of staff are responsible for:

- 9.3.1. Responding to and resolving concerns and complaints raised informally
- 9.3.2. Responding to concerns raised by students

10. Linked with

10.1 Child Safe Standards Policy

10.2 Grievance Policy (staff)

10.3 Privacy and Confidentiality Policy

10.4 Record Management Policy

11 Procedural Documents

11.1 Informal concerns and complaints: Guidance for parents in raising these and for staff in responding (Appendix A)

11.2 Guidelines for members of staff in responding to concerns raised by students (Appendix B and C)

11.3 Formal complaints procedures (Appendix D)

11.3.1 How a complaint can be raised

11.3.2 Complaints form (Appendix E)

11.3.3 How an investigation or inquiry will be conducted

- 11.3.4 The procedures for handling the complaint
- 11.3.5 Guidelines for recording the complaint, decisions taken in response to the complaint and the resolution
- 11.4 Appeals (Appendix F)
 - 11.4.1 How an appeal can be raised and on what basis
 - 11.4.2 How the appeal is handled
 - 11.4.3 Guidelines for recording the complaint, decisions taken in response to the complaint and the resolution

12. **Policy Review**

The School Board will approve any amendments to this policy and monitor its implementation, including the Register of Complaints, on an annual basis.

REVIEWED 2018

- 1 **Appendix A**
Informal concerns and complaints: Guidance for parents in raising an informal concern and for staff in responding
- 2 **Appendix B**
Guidelines for members of staff in responding to concerns raised by students
- 3 **Appendix C**
What to do if you have a problem – guidelines for students
- 4 **Appendix D**
Complaint Procedures
- 5 **Appendix E**
Formal Complaints Form
- 6 **Appendix F**
Appeals within the Complaints Process

APPENDIX A

INFORMAL CONCERNS AND COMPLAINTS

Guidance for parents in raising an informal concern and for staff in responding

Personal relationships are at the heart of the operation of the school and so it is normal for issues to arise from time to time. Where possible MMS encourages concerns and complaints to be identified and resolved speedily and informally. The school believes that complaints are an important way in which parents and the school community can provide the school with feedback and so form the basis for future improvements.

Your concern should be communicated to your child's classroom teacher as soon as possible so it can be investigated and resolved. Ideally, issues should be addressed through a face-to-face discussion: the preferred way for making an appointment with a member of staff can be found in the Parent Handbook. It is important to understand that if you communicate with teachers via email, they are unlikely to be able to respond immediately because their teaching duties mean they have almost no access to emails during the day.

You should be as clear as possible about the nature of your concern, identifying when and where the incident happened and who was involved. Almost always there will be two sides to a story; teachers, in seeking to resolve the issue, will use their experience, professional judgment and their knowledge of the students involved to understand the larger picture – and, indeed, the teacher may have additional information to which you are not privy. In the best case, concerns are resolved when everyone listens carefully to each other and the discussion is respectful and trusting.

If you have a concern that relates to the behaviour or an action of your child's classroom teacher, you should seek an informal resolution directly with the person concerned in the first instance. If you are not satisfied with the response, the concern should be raised with the Principal. In the case of a concern that relates to the behaviour or an action of the Principal, you should seek an informal resolution with her in the first instance. If you are unable to reach a satisfactory resolution informally you should lodge a formal complaint using the Complaints Form found in this policy.

It may be that you have a concern that relates to child safety and abuse. The school's Child Safe Policy (which can be found on the website) aims to protect children from all abuse, including physical violence, sexual abuse, serious emotional or psychological abuse and serious neglect. If an adult has a reasonable belief that abuse has occurred then they have a legal obligation to report the incident; the policy provides guidance and information as to how to do this. You are advised to raise your concerns with the Principal (the school's designated Child Safety Officer) as soon as possible.

Teachers understand that parents can become upset when there is difficult matter affecting their son or daughter but raised voices, inappropriate language and anger don't help. If the conversation becomes too heated, the teacher may stop the discussion and arrange to reconvene at another time.

The teacher will always wish to resolve the matter and to find a solution to the immediate issue and, where applicable, any larger school-wide implications. It is helpful if you can clearly identify the action(s) you believe would help to resolve the matter.

Members of staff have a responsibility to protect the privacy of other students, their families and other members of staff. It is likely, therefore, that the member of staff you raise the concern with will not be in a position to give you information which concerns other people.

In all but the simplest of issues, the member of staff with whom you raise the concern will make a brief dated note of the conversation, which will be retained on the student's file. You are able to ask to see the note and, if necessary, ask for an amendment to be made or for the opportunity to add something of your own to the record.

The school will not respond to anonymous complaints unless the matter is one of child safety or relates to corruption and malpractice. It should be noted, however, that anonymous reports have significant limitations that inhibit a proper and appropriate investigation and the ability to provide feedback on the outcome.

Further helpful advice for staff in responding to concerns can be found in the Victorian Department of Education's booklet "Addressing parents' concerns and complaints effectively: policy and guides (DET, 2009)"⁴. This booklet is written from the perspective of staff dealing with parental complaints; it contains a number of short guides that can be adopted by staff in dealing with parental complaints as well as those raised by others, including students.

The guides (Section D: pp 22-46) cover topics such as:

- Building positive relationships
- Saying 'yes' and 'no' with confidence
- Understanding the blame cycle
- Moving beyond a stalemate

⁴ <http://www.education.vic.gov.au/Documents/school/principals/community/addressparentsconcern.pdf>

APPENDIX B

Guidelines for members of staff in responding to concerns raised by students

A starting point for members of staff in responding to concerns raised by students will be the principles of Montessori education and the school's values and mission. When things go wrong, which they will do from time to time, the main goal in seeking a resolution of the concern is for students to be:

- Respectful of all people and the environment
- Independent and creative
- Self-directed, self disciplined and self-motivated learners

And to have:

- Good working habits
- A strong understanding of ethics
- Patience and tolerance
- A love of learning

In this situation the member of staff, as guide and facilitator, is able to use the incident or concern as an opportunity for learning. He or she will ensure the issue is taken seriously and is given time and attention; the member of staff will listen carefully and will ensure the conversation is age-appropriate.

Further helpful advice for staff in responding to concerns can be found in the Victorian Department of Education's booklet "Addressing parents' concerns and complaints effectively: policy and guides (DET, 2009)"⁵. This booklet is written from the perspective of staff dealing with parental complaints; it contains a number of short guides that can be adopted by staff in dealing with parental complaints as well as those raised by others, including students.

The guides (Section D: pp 22-46) cover topics such as

- Building positive relationships
- Saying 'yes' and 'no' with confidence
- Understanding the blame cycle
- Moving beyond a stalemate

Child Safe Standards: All staff must be familiar with the Child Safe Policy including Attachment 2 (Process – What to do when an allegation of child abuse is made). In particular staff must know their legal responsibilities in relation to mandatory reporting, the failure to protect and the failure to disclose. The policy must be followed whenever a student raises a concern about child safe standards or discloses an incident of abuse. Staff should speak to the Business Manager or the Principal (as the school's Child Safety Officer) if they have any questions about this process or require clarification as to their responsibilities in a particular situation or more generally.

⁵ <http://www.education.vic.gov.au/Documents/school/principals/community/addressparentsconcern.pdf>

APPENDIX D

COMPLAINT PROCEDURES

1. Making a Complaint

- 1.1. Parents are asked to discuss any concerns with staff at an early stage so that we can work together to resolve these as promptly and efficiently as possible. Guidance for making and resolving a concern using the informal process can be found in Appendix A.
- 1.2. If the concern or complaint is not resolved to your satisfaction through the informal process, the formal complaints procedures may be followed as set out in this document.
- 1.3. If possible the formal complaint should be made in writing and should be addressed to the Principal. The formal complaints form may be used.
- 1.4. If the complaint is in relation to the Principal, the complaint should be made in writing and should be addressed to the Chair of the School Board.⁶ The formal complaints form may be used.
- 1.5. If you would find it easier to make the complaint in person or by phone, you are asked to make arrangements to meet or speak to the Principal at a convenient time.
 - 1.5.1. If you arrange to meet with the Principal in person, you may have someone to support you. Your support person could be a relative or a friend but it is not appropriate for that person to be a legal representative.
 - 1.5.2. If you arrange to meet with the Principal in person or by phone, it is important that, as set out in the policy, the conversation is respectful and constructive. If either the Principal or the parent is of the view that the conversation has become confrontational and is no longer conciliatory, either party may ask for the conversation to be temporarily halted and re-scheduled for completion at another time.
 - 1.5.3. If you decide it is easier to make the complaint in person or by phone, the school may use the formal complaints form to record the complaint. You will be invited to review the completed form to confirm that the complaint has been accurately recorded.
- 1.6. It is helpful if you can identify the complaint clearly before contacting the school.
 - 1.6.1. If there is more than one problem, you are advised to list the issues concisely and clearly so that the extent of the problem is clear to the school.
 - 1.6.2. If more than one parent or set of parents raises the same or a substantially similar problem, each complaint will be managed separately.
- 1.7. It is also helpful for you to indicate how, if legal, possible and practicable, you would want the complaint to be resolved.

2. Investigating the Complaint

- 2.1. Some complaints can be resolved through discussion but others require that the problem or allegation be investigated before coming to a resolution.
- 2.2. The Principal may appoint a senior colleague to investigate the issue. The senior colleague will be one who has not previously been involved in the matter.
- 2.3. The investigation may take the form of interviews with others involved, reviewing documentation, etc. If it is thought advisable and necessary, the Principal may appoint an external advisor as investigator.
- 2.4. In carrying out an investigation the school will be mindful of the need for confidentiality. You will be informed in advance of any decision to speak to others during the course of the investigation.
- 2.5. The investigator will be asked to prepare a brief written report outlining their findings.

3. The Complaints Meeting

- 3.1. The Principal will normally chair the complaints meeting.
- 3.2. You may have someone to support you. Your support person could be a relative or a friend but it is not appropriate for that person to be a legal representative.
- 3.3. The meeting will discuss the matter thoroughly, ideally using the following steps:

⁶ The procedure for dealing with a complaint of this nature follows a parallel process to the one set out here but with the Chair instead of the Principal.

- 3.3.1. A clear description and understanding of the issue
- 3.3.2. The claimed impact and whom it impacts
- 3.3.3. What is claimed will happen if the issue is not resolved
- 3.3.4. What action(s) is requested in order to resolve the complaint

These steps will be summarised briefly and will be included in the documentation of the process.

- 3.4. At each step of the process, all those attending the meeting will have the opportunity to put forward their point of view and will be treated with dignity and respect.
- 3.5. It may not be possible to agree the way forward in just one meeting; in this case further meetings will be scheduled until all those involved agree the issue has been considered as thoroughly as needed.
- 3.6. At any stage in the process, the Principal may decide that it would be helpful to seek either informal or formal mediation in order to resolve the complaint.

4. The Complaints Resolution

- 4.1. All those involved should agree when the complaint (or an aspect of the complaint) is considered resolved. If not everyone agrees, the complaint procedures should continue until a resolution is found, even if the resolution is to agree that no further action should be taken.
- 4.2. In resolving the issue, the following steps should be followed:
 - 4.2.1. A statement confirming that those involved consider the complaint (or an aspect of the complaint) is resolved
 - 4.2.2. How the complaint is resolved
 - 4.2.3. Why the complaint is considered resolved
 - 4.2.4. A description of each specific action or decision including a note as to who is responsible for the action and by when.

These steps will be summarised briefly and will be included in the documentation of the process.

- 4.3. When the complaint is resolved, a follow up meeting or conversation should be scheduled to ensure that the agreed actions have been implemented and that there are no further matters outstanding.

5. Record Keeping

- 5.1. It is important that consistent, well-structured, concise and complete information is on file for current and future use.
- 5.2. The following documentation will form the record of the complaint:
 - 5.2.1. The formal complaints form, whether completed by you or by the school and confirmed by you
 - 5.2.2. A record of the complaints meeting and the steps followed as set out in §3.3
 - 5.2.3. A record of the resolution as set out in §4.2
 - 5.2.4. A record of the follow up meeting
- 5.3. The management of these records will follow the school's Record Management Policy. Except where dictated otherwise by law, MMS will retain all records of complaints for a minimum of one year after the family or student has left the school and then will be destroyed. The records will be kept secured by the Principal or the Board as is appropriate.

6. Appeals

If you believe that your complaint is not resolved or that the resolution is unsatisfactory, you may appeal the complaint to the School Board. The Appeal procedure can be found in Appendix F.

7. Complaints to the School Board

- 7.1. If your complaint is in relation to the Principal, the complaint should be made in writing and should be addressed to the Chair of the School Board.

- 7.2. The Chair will constitute a Complaints Committee to deal with the issue. The composition of the Committee will be decided by the Chair and approved by the Board.
- 7.3. The Complaints Committee, acting on behalf of the Board as a whole and representing all of the members, will decide how to proceed and will make recommendations for any action to resolve the matter to the Board.
- 7.4. When a complaint is made to the Board, the Board's decision will be final.

APPENDIX E

FORMAL COMPLAINTS FORM

This form may be used by parents, contractors and other organisations that come into contact with the school, visitors and members of the public.

Where possible, concerns and complaints should be raised informally with the person most directly concerned. This form should be used if you are not satisfied with the response you have received. The form should be completed and a hard copy placed in a sealed envelope addressed to the Principal and handed to Reception or posted to the Principal at **Melbourne Montessori School, 6 Roselea Street, Caulfield South VIC 3162.**

COMPLAINT FORM	
Name of the person making the complaint	
Address	
Telephone number	
Mobile number	
Email	
The complainant's relationship with the school	
Parent	<input type="checkbox"/>
Contractor	<input type="checkbox"/>
Visitor	<input type="checkbox"/>
Member of the public	<input type="checkbox"/>
Other	<input type="checkbox"/>
DETAILS of your COMPLAINT	
Briefly describe the nature of your complaint	
When did the matter leading to your complaint happen?	

Where did the matter leading to your complaint happen?	
Who was involved?	
To whom did you first report your concern or complaint?	
RESOLUTION of your COMPLAINT	
What actions would you want to be taken in order to resolve your complaint?	
What could be done in order to avoid a repeat of your complaint in the future?	
Signature of the person making the complaint	Date

Office use
Date complaints form received
Date complaint resolution completed
Summary of action taken including any follow up action

APPENDIX F

APPEALS WITHIN THE COMPLAINTS PROCESS

1. Making an Appeal

- 1.1. If you believe that your complaint is not resolved or that the resolution is unsatisfactory, you may appeal the complaint to the School Board.
- 1.2. The appeal must be made in writing and should be addressed to the Chair of the School Board.
- 1.3. You should identify the grounds for the appeal clearly. The grounds could include the following:
 - 1.3.1. The complaints policy and procedures were not followed
 - 1.3.2. The resolution of the complaint is claimed to be insufficient, unfair, biased, unreasonable and/or disproportionate
- 1.4. The appeal will use the record of the complaint as agreed and will not normally re-hear the complaint itself
- 1.5. It is helpful for you to indicate how, if legal, possible and practicable, you would want the appeal to be resolved.

2. Responding to the Appeal

- 2.1. The Chair will constitute an Appeal Committee to deal with the issue. The composition of the Committee will be decided by the Chair and approved by the Board.
- 2.2. The Appeal Committee, acting on behalf of the Board as a whole and representing all of the members, will decide how to proceed and will make recommendations for any action to resolve the matter to the Board.
- 2.3. The Appeal Committee may approve the appointment of an external consultant to conduct an investigation, mediation and/or arbitration.
- 2.4. The Appeal Committee will make recommendations to the Board as to the actions required to resolve the issue.
- 2.5. The decisions of the Board are final.

3. Record Keeping

- 3.1. A full record of the appeal will be made following a similar structure to that outlined in the complaints procedures.
- 3.2. The management of these records will follow the school's Record Management Policy. Except where dictated otherwise by law, MMS will retain all records of appeals for a minimum of one year after the family or student has left the school and then will be destroyed. The records will be kept secured by the Principal or the Board as is appropriate.