

# COMPLAINTS HANDLING POLICY

## PURPOSE

Melbourne Montessori College has a commitment to quality learning and teaching however, from time to time parents, students, Staff and other members of the School community may have concerns, complaints or grievances that they wish the School to address. Complaints will be treated seriously and sensitively, having regard to the requirements of confidentiality and fairness.

Wherever possible, grievances should be resolved through a process of discussion, co-operation, mediation or conciliation. All complainants are expected to participate in good faith. The School will aim to achieve an outcome that minimises any potential detriment to ongoing relationships.

This document sets out the internal procedures that apply within Melbourne Montessori College for addressing complaints and grievances. These procedures are designed to ensure that throughout the School there is a transparent process for ensuring complaints and grievances are dealt with fairly, consistently and promptly.

## DEFINITIONS

A “**complaint**” is an expression of dissatisfaction with an action taken, decision made, or service provided, or with the failure to provide a service, take action or make a decision at the School.

**Staff work-related complaints** or grievances about employment conditions, unfair dismissal or industrial relations related concerns should be made using the process contained in the Melbourne Montessori College Enterprise Agreement.

A **whistleblower** is someone with inside knowledge of an organisation who reports misconduct or dishonest or illegal activity that may have occurred within that organisation. These concerns are handled under the process contained in the School’s *Whistleblower Policy*.

### Child Safety concerns or related complaints

The School 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 a child safety concern or related complaint will be given the highest priority and attention.

A “child safety concern or related complaint” includes any disclosure, allegation, suspicion, concern or internal report of:

- a breach of the School’s Child Safety Code of Conduct
- a child safety incident or concern alleged to have occurred, be occurring or be at risk of occurring at the School or a School event
- Reportable Conduct (as defined in the *Child Wellbeing and Safety Act 2005 (Vic)*)
- other Staff misconduct (such as a procedural breach of the *Child Safety and Wellbeing and Child Protection Policies*)
- any complaint about the School’s response to or management of a child safety incident or concern, including complaints alleging non-compliance with our child safe procedures

If your complaint is a child safety or related complaint, please make your complaint to our Principal or if this person is the subject of your complaint, please notify the Chair of the School Board.

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Concerns raised in relation to the Child Safety will be dealt with in accordance with the School's *Child Safety and Wellbeing Policy* through a child-focused complaint handling process.

## GUIDING PRINCIPLES

The complaints procedure will:

- encourage resolution of problems by informal means wherever possible
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality
- address issue and provide an effective response and appropriate redress, where necessary treat all complaints with sensitivity
- provide appropriate support to all relevant parties. Support may include the provision of information about mediation, counselling, support or other services in the event they are unsatisfied with the outcome of the complaint or how it has been managed
- provide information to the School Leadership Team so that services can be improved
- ensure that no person is victimised because of raising a complaint

## PROCEDURES

### Raising Concerns or Complaints

Complaints may be made informally by contacting the relevant staff member by telephone or in person. It may be possible to resolve the complaint by discussion. Members of the School community are encouraged to raise concerns or complaints with the staff member closest to the issue. For contact details for any staff members call Reception on 9131 5200

All complaints will be acknowledged, noted and acted on promptly by the staff member who receives the complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The following procedures deal with formal complaints, but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures.

### Complaints – Formal Procedure

A student, parent or staff member is entitled to make a formal complaint either if no satisfactory resolution was obtained after an informal complaint or if the matter is of sufficient seriousness for a formal complaint to be the first step. The complaint should be lodged **in writing** with the Principal.

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If the complaint is about the Principal it will be lodged with the Chair of the School Board, in writing to the School's address.

A confirmation of receipt of the written complaint will be made within 48 hours. All complainants will be kept informed as to the progress of the complaint investigation and resolution.

### Investigating Complaints

The Principal will appoint an appropriate senior staff member to investigate the complaint and respond in a timely manner. If the complaint is of a criminal nature or requires reporting under any legislation or regulation the Principal will be obliged to make such a report to the appropriate body.

When a child safety incident, concern or complaint is reported to an appropriate authority (such as Police, Child Protection or Commission of Children and Young People), the Principal will check with such authority before conducting any investigation.

It is suggested that at each stage, the person investigating the complaint makes sure that they:

- establish what has happened so far, and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview

If a formal complaint has been lodged against a person, that person will be informed of the nature and content of the complaint and will have the right to respond. At the conclusion of any investigation, the person will have access to information regarding the complaint and findings of the investigation.

### Resolving Complaints

To ensure consistency, formal complaints are subject to review and escalation in three stages. These stages are detailed below:

Stage 1: Complaint heard by senior staff member

Stage 2: Complaint heard by Head of Campus

Stage 3: Complaint heard by Principal

At each stage in the procedure, it is important to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology

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- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review School policies in light of the complaint

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the School could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues. A mediation or restorative process may be instigated to assist in the resolution of a formal complaint if considered appropriate. This may be conducted by an external or internal facilitator, to be determined by the Principal (or Chair of the School Board if the matter concerns the Principal) in consultation with the complainant.

Based on the issue, the designated person shall take immediate and appropriate corrective action.

If there appears to be no foundation to the allegation other than the complaint, then no record shall be made of the allegation in either the complainer or complainant's personnel records.

If a foundation for the allegation exists, appropriate disciplinary action will follow.

During the course of any grievance process, final sanctions will not be determined until the review has been completed. However, the Principal retains the right to suspend a student or staff member should the matter under review be of sufficient severity and/or involve legal or safety concerns.

Where the grievance relates to a Staff performance matter, principles of Due Process may apply as specified under the Award or appropriate School Employee Collective Agreement.

### Timeframe for resolution

Complaints will be considered, and resolved, as quickly and efficiently as possible.

A confirmation of receipt of the written complaint will be made within 48 hours. All complainants will be kept informed as to the progress of the complaint investigation and resolution.

To be effective, staff members will need to set realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant given details of the new deadline and an explanation for the delay.

### Referral of complaints

In some rare cases, it may not be possible to resolve the complaint to the satisfaction of the complainant using these procedures. In such cases complainants should discuss the options for further action with the Principal. Options may include review by the Chair of the School Board. The Chair will review the processes undertaken and policies applied with whatever parties are deemed appropriate, to ensure that

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these policies and procedures have been appropriately applied. Should any of these requirements not be evident, the Chair may, at its sole discretion, investigate the facts and require the Principal to revisit the case.

If the matter still remains unresolved then the individuals concerned or the School Board may refer the matter to the relevant body, such as Victorian Registration and Qualifications Authority (VRQA), Victorian Institute of Teaching, Consumer Affairs Victoria, Human Rights Commission.

### RECORD KEEPING

When the complaint is made verbally and is simple and easily resolved in a telephone call, a brief note made by the School Officer recording details of the issue and the resolution of the issue may be all that is required.

A record of a formal complaint, the process of handling the complaint and any outcomes will be kept by the Principal in a secure Staff file or other complaints file.

Where a complaint is found to be vexatious or based on misinformation, any record pertaining to the complaint should be kept in a separate secure file.

Where a complaint is addressed or acted on, a copy of any reports related to the handling of the complaint will be given to the teacher/staff member concerned.

Any child safety-related complaint will follow the record keeping procedures as detailed in the *Records Management Policy*.

### PRIVACY

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. Melbourne Montessori College will have safeguards and practices in place to ensure any personal information is protected in accordance with the Australian Privacy Principles contained in the *Commonwealth Privacy Act 1988* and *Privacy Amendment (Enhancing Privacy Protection) Act 2012*. See the School's *Privacy Policy* for further details.

### MONITORING

The Principal will ensure a record is maintained of all written complaints/the response/outcome in a secure location within the School.

The Principal and School Board, as appropriate to their roles, will monitor parent concerns and complaints and consider issues raised through the complaints process, and any other relevant information from the parent opinion survey, when undertaking a review of School's policies, procedures and operations. As required the School Board will be briefed on specific issues.

The Principal and School Board, as appropriate to their roles, will review its information about complaints made over time to identify common or recurring issues that may need addressing and assess the effectiveness of these and other procedures and whether they are being followed.

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The School Board will review its policy and procedures to effectively address parent concerns and complaints as part of its cyclic policy and procedures review schedule.

### RELATED SCHOOL POLICIES

Community Expectations Policy  
Child Safety and Wellbeing Policy  
Privacy Policy  
Records Management Policy  
Code of Conduct  
Student Bullying and Harassment Policy  
Whistleblower Policy

### REFERENCES

*Australian/New Zealand Standard – Guidelines for complaint management on organisations (AS/NZS 10002:2014).*  
Privacy Act 1988 and amendments  
Education and Training Reform Act 2006  
Education and Training Reform Regulations 2007  
Equal Opportunity Act 2010  
Charter of Human Rights and Responsibilities Act 2006 Racial and Religious Tolerance Act 2001  
Ministerial Order No 1359