

# **COMPLAINTS POLICY 2018-2020**

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**RATIONALE:** This Policy provides comprehensive guidelines how parent/guardian complaints are managed at Brighton Secondary College.

This policy conforms with: DET, "Addressing parents' concerns and complaints effectively : policy and guides." [Office for Government School Education 2009] as well as requirements for managing allegations of child abuse within school as per the Child safe Standards.

## PURPOSE, SCOPE, DEFINITIONS AND PRINCIPLES

### PURPOSE

The purpose of this Policy is to:

- provide an avenue for parent/guardian communication and feedback;
- provide an efficient, fair and accessible framework for resolving parent/guardian complaints;
- inform parent/guardians of the complaint handling processes;
- provide staff with information about the parent/guardian complaint handling process; and
- provide staff, students and parent a framework within which the school will use to respond to allegations of child abuse.

### SCOPE

The Complaints Management Policy details the major components of the management of parent/guardian complaints

### EXAMPLES WHEN THIS POLICY MAY NOT BE APPLICABLE

This policy applies to the Office for Government School Education, including its divisions, regional offices and schools. The policy does not apply to matters about which there are existing rights of (and processes for) review or appeal. If, at any stage, it becomes apparent that the concern or complaint relates to such matters, the relevant procedures should be implemented immediately.

This policy is not applicable where a complainant has employed another party to represent them, such as a solicitor. In these circumstances, the concern or complaint should be referred to the Department's Legal Services Branch for their assessment. However a complainant is entitled to an advocate who can be a friend or colleague or a person provided through an appropriate support agency who does not receive a fee for service.

This policy does not apply to matters where there are existing legislated rights of review or appeal. These matters must be managed in line with the procedures and processes detailed in the Victorian Government Schools Reference Guide and on the Department's Human Resources website. These matters include:

- student expulsions
- See the School Policy and Advisory Guide: <http://www.education.vic.gov.au/school/principals/spag/Pages/spag.aspx>
- complaints about staff that if upheld would constitute misconduct
- complaints by the Department's employees related to their employment
- complaints about an employee's conduct or performance grievance or action under Division 9A or Division 10 of the Education and Training Reform Act 2006
- student critical incident matters
- other criminal matters

### DEFINITIONS

- **'PARENT'** in the policy has the same meaning as in the Education and Training Reform Act 2006, which is: 'parent', in relation to a child, includes a guardian and every person who has parental responsibility for the child including parental responsibility under the Family Law Act 1975 of the Commonwealth and any person with whom a child normally or regularly resides
- For the purposes of the policy: a **'CONCERN'** is an issue of interest (because of its importance and effect) which is raised informally in order to improve or change a situation. For example: "I believe that the school's physical education policy and program is inadequate. I don't think that it caters for students who have well-developed skills and who need to be involved in competitive sport. I think the school should review its policy in this area."
- A **'COMPLAINT'** is an expression of grievance or resentment where the complainant is seeking redress or justice. For example: "My daughter has been left out of the school's netball team for the third time in a row. She is an accomplished netballer and deserves to be part of the team. It is not fair that she is left out and I want you to do something about it!"

# COMPLAINTS MANAGEMENT POLICY 2018-2020

- The '**COLLEGE**' refers to Brighton Secondary College
- '**CHILD ABUSE**' includes –
  - any act committed against a child involving –
  - a sexual offence; or
  - an offence under section 49B(2) of the Crimes Act 1958 (grooming); and
  - the infliction, on a child, of –
    - physical violence; or
    - serious emotional or psychological harm; and
    - serious neglect of a child.
- a complaint is considered to be '**RESOLVED**' when the complainant and the Department (school, region or central office) agree on an appropriate response or remedy
- a complaint is considered to be '**FINALISED**' when the Department (Regional Director, or other delegate of the Secretary) has made a final determination on the matter after exhausting the processes set out in this policy.
- 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.

## PRINCIPLES OF EFFECTIVE COMPLAINTS MANAGEMENT

The complaint policy is based on the following principles:

- parents/guardians should be encouraged to voice their concerns as soon as they feel unsatisfied. The college may then be able to resolve the matter without delay;
- wherever possible, complaints should be resolved by the section of the school closest to the areas of concern. For example, complaints at a particular year level would be handled by staff working in that area; and
- information about how and where to complain should be well publicised to parents/guardians; and
- Complaint management mechanisms should be easily accessible to all complainants. The process should be easy to find, use and understand.

The Brighton Secondary College Complaints Policy follows the complaint-handling process must reflect the following guiding principles, which are informed by the Australian/New Zealand Standard - Guidelines for complaint management in organizations (AS/NZS 10002:2014).

## OBJECTIVITY

Each complainant should be addressed in an equitable, objective and unbiased manner through the complaints handling process. The principles of objectivity include:

- **OPENNESS;** to ensure both school personnel and complainants understand the complaints handling process.
- **IMPARTIALITY;** to ensure a balanced consideration of all information/evidence is undertaken before a complaint can be resolved in an equal and fair way.
- **CONFIDENTIALITY;** to ensure the complainants identities are protected, notwithstanding the right for parties that have a complaint lodged against them knowing the identity of the complainant.
- **ACCESSIBILITY;** to ensure all parties concerned are aware of the complaints handling process.
- **COMPLETENESS;** to ensure all available information/evidence has been received from both sides.
- **EQUITY;** to ensure equal treatment to all parties.
- **SENSITIVITY;** to ensure each case is considered on its merits, paying due care to individual differences and needs.

## **POLICY**

### **GENERAL PRACTICES**

The College expects that all parties will, when addressing concerns and complaints:

- maintain the confidentiality of all parties, in line with Departmental policy and legislative requirements
- acknowledge that their common goal is to achieve an outcome acceptable to all parties
- act in good faith and in a calm and courteous manner
- show respect and understanding of each other's point of view and value difference, rather than judge and blame
- recognise that all parties have rights and responsibilities which must be balanced.

Principals should ensure that parents are aware of their right to advocacy when communicating the issues involved in their complaint and in negotiating an outcome.

Refer to the parent complaints website: <http://www.education.vic.gov.au/school/parents/complaints/Pages/default.aspx>

In addition to the expectations of all parties above, the College will address complaints:

- courteously
- efficiently
- fairly
- promptly, within time lines agreed with the person with the concern or complaint (where possible concerns or complaints should be addressed within 20 school days)
- in accordance with due process and where appropriate, the principles of natural justice and the DET regulatory framework.

### **RIGHTS OF PARTIES**

#### **PARENT/GUARDIAN RIGHTS**

Where a parent/guardian raises a complaint, they have the right to have that complaint:

- received and addressed in strict confidence, notwithstanding the right for parties that have a complaint lodged against them knowing the identity of the complainant
- addressed in a spirit of helpful cooperation and sensitivity; and
- resolved promptly

When a complaint cannot be resolved to the satisfaction of the complainant, parents/guardians have the right to be referred to the relevant regional office (see 4.2).

#### **STAFF RIGHTS**

When a staff member is the subject or target of a complaint, they have a right to expect:

- appropriate feedback and communication on work performance
- fair and consistent treatment and reasonable avenues of redress
- To know, except in circumstances in which Principal may exercise discretion with a view to protecting the interests of all parties concerned, the identity of the complainant

These rights are to be respected at all times, particularly in complaints where staff are cited.

## COMPLAINTS HANDLING PROCESS

### EXPECTATIONS OF A PERSON MAKING A COMPLAINT

A complainant should:

- Consider how serious the complaint is
- Exceptional circumstances aside, identify themselves and provide a detailed account of the complaint
- Wherever possible, address their complaint to the person best able to resolve it, that is, complaints should be directed to the section of the school closest to the areas of concern. For example, complaints at a particular year level would be handled by staff working in that area
- Communicate in a polite manner
- For allegations of child abuse it is the not victim's responsibility to inform the police or other authorities of the allegation

### HOW A PERSON CAN RAISE A CONCERN AND/OR MAKE A COMPLAINT

#### Who to contact (see appendix A)

- Teacher and mentor teacher: usually best placed to resolve concerns and complaints relating to student learning and specific student incidents in the teacher's class or group.
- Year level coordinator: provides support when students from other classes are involved.
- Assistant principal: usually best placed to resolve concerns and complaints relating to staff members or complex student issues.
- Principal: usually best placed to resolve concerns and complaints relating to school policy, school management, staff members or complex student issues.
- For allegation of child abuse, by completing the Brighton Secondary Child safe-incident-report-template, available on School Documentation in Compass and submitting this to any College staff member.

### INFORMATION TO BE PROVIDED BY THE PERSON MAKING A COMPLAINT

- As detailed account as possible, including the time and date of the occurrence that prompted the complaint.
- Who was involved.
- What any negative outcomes were, including physical/emotion harm, damage to personal property etc
- For allegation of child abuse, please use the college Child safe-incident-report-template available in school documentation in Compass

### THE PROCESS AND TIME FRAME FOR ADDRESSING COMPLAINTS

The College will acknowledge the receipt of the complaint within 48 hours.

Depending on the complexities of the complaint, an initial investigatory phase may take up to a week.

A final resolution should be aimed to be achieved with 20 working days.

For allegations of child abuse the College will:

- inform appropriate authorities about the allegation (including but not limited to mandatory reporting);
- protect any child connected to the alleged child abuse until the allegation is resolved;
- make, secure, and retain records of the allegation of child abuse and the school's response to it;
- not require staff to make a judgment about the truth of the allegation of child abuse;
- not prohibit staff from making records in relation to an allegation or disclosure of child abuse and
- not prohibit or discourage school staff from reporting an allegation of child abuse to a person external to the school.

Brighton Secondary College is committed to actively assisting parents with the complaint process, informing them that at any point of the complaint process they are able to be supported by an advocate/support person. The role of the advocate/support person in this process is a supportive and enabling one. A complainant's advocate/support person may be a member of the family, a friend, a community member or a person provided through an appropriate support/advocate agency. The advocate/support person in the parent complaint process does not receive a fee

for service. The complainant should inform the principal if they want to include an advocate/support person in the complaint process and provide the name of the advocate, contact details and the relationship to the complainant. An advocate/support person's role may include:

- assistance for the complainant to clarify the issues in the complaint
- discussion of difficulties being experienced by the complainant
- assistance in the development of a co-operative and collaborative working relationship between the complainant and the school community
- assistance for the complainant to understand Department policy and guidelines
- and the resolution being proposed for the complaint.

## **RESOLUTION**

A complaint is considered to be resolved when the complainant and the Department (school, regional office or central office) agree on an appropriate response or remedy. Possible responses and remedies include:

- an explanation
- an acknowledgement of each other's perspective and agreement on ways to manage differences
- an apology or expression of regret
- an admission of fault
- a change of decision
- a change of policy, procedure or practice
- agreement on what constitutes acceptable behaviour
- an undertaking that unacceptable behaviour will change
- the waiving of debt related to school fees and payments
- a refund of parent payments
- the provision of counselling or other support

Remedies should be implemented as soon as possible.

For allegations of child abuse

- referral to police
- referral to DET
- referral to VIT

## **COMPLAINT DISMISSED**

A complaint can only be dismissed:

- after it has been investigated
- if an investigation has determined that the complaint cannot be substantiated

## **COMPLAINT UNRESOLVED**

A complaint is considered to be unresolved if the complainant does not agree on a course of action and/or a remedy, or if the remedy cannot be implemented. In such cases, a school must involve its regional office to assist in resolving the complaint.

If the complaint raises complex issues which are unable to be resolved by the regional office, Group Coordination Division may, on behalf of the Deputy Secretary, Office for Government School Education, determine that an independent investigation is required. It may not always be possible to fully resolve all complaints to the complainant's satisfaction. This could happen if the complainant has unrealistic expectations about the outcome of their complaint, or if the Department's policies or regulations are contrary to their views.

If the complaint remains unresolved at the completion of all the Department's procedures, or if the complainant is dissatisfied with the manner in which the complaint was handled by the Department, the Department may inform the complainant of options for review by an external agency such as Ombudsman Victoria.

## ESCALATION

If a parent with a concern or complaint is not satisfied with the outcome determined by the school, they can contact the appropriate regional office. Depending on the nature and complexity of the concern or complaint, the regional director may involve the assistant regional director, the community liaison officer or other officers in the resolution of the issue.

Where relevant, the officer will ask the complainant for a complete and factual account in writing of the concern or complaint and the complainant's opinion about why they believe the school did not resolve the issue to their satisfaction. Where the complainant is unable to provide a written account the officer should act on the information provided verbally.

Regional office staff will respond promptly to complaints received and, where appropriate, immediately acknowledge, in writing, the receipt of a written complaint. They will, as far as possible, attempt to resolve the issue raised by the complainant and provide a final response within 20 school days.

Parents are able to take their complaint to the Victorian Ombudsman if they are dissatisfied with the outcome or response from the Department, or if they feel their complaint is not being handled properly or in a timely manner.

## ANONYMOUS COMPLAINTS

The college requires all complaints to be investigated. However, it recognises that its staff might not be able to fully investigate a complaint if they cannot effectively liaise with the complainant. Furthermore, anonymous complaints raise natural justice issues for respondents who have a right to know the particulars of the allegations made against them. The school principal shall determine the extent to which an anonymous complaint received by the school, shall be investigated. Where the complaint is about the principal of a school the decision to investigate the complaint shall be made by the regional director.

## UNREASONABLE COMPLAINANT CONDUCT

Unreasonable complainant conduct is behaviour that:

- is clearly and significantly outside the expectations of confidentiality, cooperation, courtesy and respect
- calls for staff resources and time unjustified by the nature or significance of the complaint
- is vexatious (that is, an action or complaint that is brought without merit, often to cause annoyance to another person)
- is oriented towards conflict rather than resolution

## MONITORING

The school will establish a complaints register. When a complaint is received by, or escalated to a member of the principal class, the following details will be recorded:

- name and contact details (with permission) of the person with a concern or complaint
- the date the concern was expressed or complaint made
- the form in which the concern or complaint was received (such as face-to-face, by telephone, in writing, by email)
- a brief description of the concern or complaint
- details of the school officer responding to the concern or complaint
- action taken on the concern or complaint
- the outcome of action taken on the concern or complaint
- any recommendations for future improvement in the school's policy or procedures

However, in the first instance, when the complaint is easily resolved in a telephone call, a brief note in the school's/ principal's/teacher's diary recording the issue and the resolution may be all that is required.

For processes related to child abuse, the College Council will review compliance with the Child Safe Standards on an annual basis.

## RELATED LEGISLATION

All concerns and complaints must be addressed in line with the Department's legislative and regulatory framework which includes:

- Education and Training Reform Act 2006
- Education and Training Reform Regulations 2007
- Charter of Human Rights and Responsibilities Act 2006
- Protected Disclosure Act 2012
- Privacy and Data Protection Act 2014
- Equal Opportunity Act 2010
- Wrongs Act 1958



## **APPENDIX A**

### **PRINCIPAL CLASS**

**PRINCIPAL** - Richard Minack (MIN)

**ASSISTANT PRINCIPAL** - Pat Gargano (GAR)

**ASSISTANT PRINCIPAL - JUNIOR SCHOOL** - Lee Angelidis (ANG)

**ASSISTANT PRINCIPAL - SENIOR SCHOOL** - Kaye Sentry (SEN)

### **TEACHING & LEARNING TEAM**

**STUDENT LEARNING AND WELLBEING PROGRAMS** - Missy May (MAA)

**PROFESSIONAL LEARNING** - Janine Mowat (MOW)

### **STUDENT WELLBEING TEAM**

**PSYCHOLOGIST** - Kylie Mayers (MAY)

**COLLEGE CHAPLAIN** - Jessica Giffin (GIF)/Tania Vairamuttu (VAI)

**STUDENT WELFARE** - Karen Gibson (GIB)

**STUDENT WELFARE MANAGER** - Peter Mangold (MAN)

### **YEAR LEVEL COORDINATORS**

**YEAR 7** - Jillian O'Neill (ONE), Leisa Higgins (HIG)

**YEAR 8** - Helena Riha (RIH), Sarah Kreltszheim (KRE)

**YEAR 9** - Jan Chan (CHJ)

**YEAR 10** - Effie Frangoulis (FRA), Mali Lewis (LEM)

**YEAR 11** - Caitlin Behrendt (BEH), Zoe Veling (VEL)

**YEAR 12** - Haibo Wang (WAN)

### **FIRST AID**

Miranda Marron (MAM)

## **EVALUATION:**

This policy will be reviewed as part of the College's three year review cycle.

**THIS POLICY WAS LAST RATIFIED BY COLLEGE COUNCIL ON 23 MAY 2018**

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**LAST UPDATED: 01/10/2017**

**LAST RATIFIED BY COLLEGE  
COUNCIL: 23/05/2018**

**DATE OF NEXT REVIEW: 01/04/2020**



**BRIGHTON**  
SECONDARY COLLEGE