

# Complaints and Grievance Policy 2022 - 2023

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## 1 Purpose of this policy

- 1.1 Gisborne Montessori School understands that from time to time parents, external organisations and other stakeholders may be dissatisfied, have a concern or complaint in relation to a decision taken or an action or activity for which the school is responsible. Where possible the school 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 and grievances. 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 complaint.
- 1.3 Bullying complaints or concerns will be handled as outlined in the Anti-bullying and Anti-harassment Policy and Behaviour Management Policy.

## 2 Principles

- 2.1 The school believes that staff, parents and students are committed to working closely together to provide the best educational opportunities for every child. The school is committed to the development of professional, trusting and cooperative relationships between the school, parents and the school community.
- 2.2 The school seeks the assurance from members of its school community that complaints do not give rise to victimisation or reprisal.
- 2.3 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.
- 2.4 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 child safety, particularly any in relation to children with disabilities, children from linguistically and culturally diverse backgrounds, and children who are vulnerable, will be given the highest priority and attention.
- 2.5 It is not always possible to respond to complaints received from an anonymous source and, by definition, it is not possible for the school to communicate any

resolution or response to the person making the complaint. The school will always act when anonymous concerns about child safety are raised.

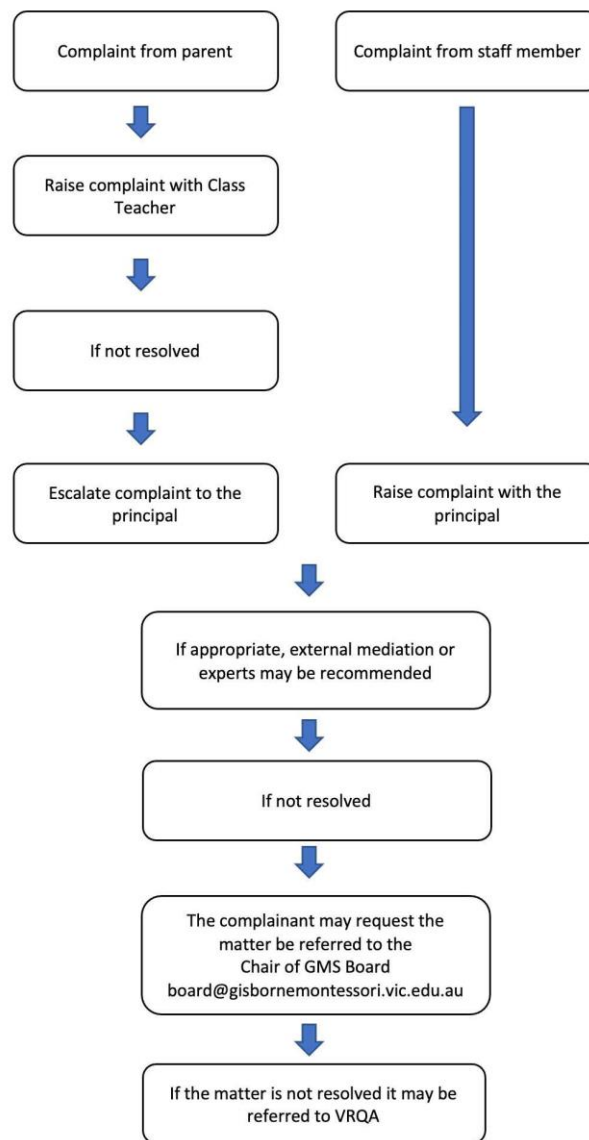
- 2.6 Vexatious, trivial or previously finalized grievances will not be pursued by Gisborne Montessori School.
- 2.7 The complaints and grievances policy and procedures are intended to be conciliatory, non-adversarial and non-legal.
- 2.8 Confidentiality will be maintained, to the extent that is consistent with legislative requirements and the other principles outlined in this section.

### **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 The school will respond to all formal complaints in a timely manner. Parents or staff will be kept informed of the progress of their complaint, particularly when the complaint is complex and may take time to resolve.
- 3.3 The school will ensure that the complaint procedure is responsive and flexible. In practice that means that parents or staff are able to make a complaint in person, by phone or in writing. The school will provide support with specific needs, E.G. language translation.
- 3.4 The school is committed to natural justice. The school will ensure that all those involved in the complaint procedure will be able to put forward their point of view and will be treated with dignity and respect.
- 3.5 The school 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.
- 3.6 In dealing with the complaint, the school 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.
- 3.7 The complaints procedures will be restricted to dealing with the matter raised by the complaint and not with any other matters.
- 3.8 The school may determine that a complaint is vexatious (where the complaint is designed to harass, annoy or embarrass the school, a staff member or another parent) or spurious (where the complaint has no real basis in fact or is manifestly groundless). When this is the case, the person making the complaint will be informed in writing of the decision.
- 3.9 The school will ensure any actions, outcomes and the resolution of a complaint are well documented, kept on file and that the parents or staff concerned have a copy of the final decisions.
- 3.10 The school 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.

#### 4 Who handles complaints?

- 4.1 Where possible, the school encourages concerns to be identified and resolved speedily and informally with the member of staff most directly involved. This may be the Cycle or Specialist Teacher in the first instance.
- 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 is about the decisions, actions or activities of the principal, a formal complaint should be made to the Chair of the governing board.
- 4.4 Any appeals process should be addressed to the Chair and will be handled by the governing 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 (2017).
- 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 alleged to be inequitable or procedurally unfair.
- 5.5 Perceived personal concerns that impact school-related interpersonal relationships.

What is not a complaint?

- 5.6 A request for information; or,
- 5.7 A complaint about something which Gisborne Montessori School has no responsibility for.

## 6 Scope

- 6.1 The Complaints and Grievance Policy applies to all concerns received by parents or staff of Gisborne Montessori School.
- 6.2 The Complaints and Grievance Policy does not apply to students. The school has created an internal student friendly Student Resolution 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 will be considered under this policy 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:
  - provision of a verbal or a written warning;
  - withdrawal of certain privileges or opportunities; or,
  - exclusion from future school events or functions • exclusion from the school grounds and facilities • revocation of their child's enrolment.

## 8 Legal and regulatory basis for compliance

- 8.1 Education and Training Reform Act 2006 (Vic).
- 8.2 Education and Training Reform Regulations (2017).
- 8.3 Victorian Registration and Qualifications Authority (VRQA) Minimum Standards.
- 8.4 Child Safe Standards Ministerial Order 870.
- 8.5 Privacy Act 1988 (Cth).

## 9 Roles and responsibilities

- 9.1 The governing board is responsible for:
- determining this policy and reviewing it on an annual basis;
  - responding to any formal complaint raised that relates to the principal; and,
  - responding to an appeal if that is lodged in relation to an unresolved formal complaint.
- 9.2 The principal is responsible for:
- determining the complaints procedures and ensuring that they are implemented in a way that is consistent with this policy;
  - ensuring the complaints policy is communicated to parents and the wider school community and external community via the website with copies also available from the school office;
  - responding to a formal complaint brought under this policy; and,
  - retaining a register of formal complaints (listing the date, subject and resolution) for reporting to the governing board on an annual basis and to be available to the VRQA as required.
- 9.3 Members of staff are responsible for:
- responding to and resolving concerns and complaints raised informally; and,
  - responding to concerns raised by students.

## 10 Links to other policies

- 10.1 Related policies
- Child Safety Policy.
  - Student Resolution Process.
  - Whistle Blower Policy.
  - Privacy Policy.
  - Record Management Policy.
  - Student Wellbeing Policy.
  - Anti-Bullying and Anti-Harassment Policy • Behaviour Management Policy.
  - Mandatory Reporting Policy.

## 11 Procedural documents

- 11.1 Informal concerns and complaints: Guidelines for parents in raising these and for staff in responding (Appendix A).
- 11.2 Formal complaints procedures (Appendix B and C):
- how a complaint can be raised;
  - complaints form;
  - how an investigation or inquiry will be conducted;
  - the procedures for handling the complaint; and,

- guidelines for recording the complaint, decisions taken in response to the complaint and the resolution.

11.4 Appeals (Appendix D and E):

- how an appeal can be raised and on what basis;
- how the appeal is handled; and,
- guidelines for recording the complaint, decisions taken in response to the complaint and the resolution.

**12 Policy review**

12.1 The governing board will review this policy and monitor its implementation, including the register of complaints, on an biennial basis.

**DETAILS**

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<b>CREATED</b>	March	2022
<b>REVIEWED</b>	July	2022
<b>MAINTAINED</b>	Gisborne Montessori School Board	
<b>RATIFIED</b>		
<b>NEXT REVIEW</b>	2024	

## **Appendix A**

### **Informal concerns and complaints – guidelines for parents and for staff.**

#### **1 Informal concerns and complaints – guidelines for parents**

- 1.1 The Complaints and Grievance Policy is available for parents on the school's website and by request from the main school office.
- 1.2 Information about how to communicate an informal concern or complaint is included in the Parent Handbook.
- 1.3 Parents are encouraged to make contact with the school at an early stage about any concerns.
- 1.4 If a parent has a concern about their child or feedback for the school, in the first instance, please email the child's class teacher. They will endeavour to acknowledge the email within 48 hours and arrange a good time to talk to the parent/s further about the matter.
- 1.5 A parent can make an appointment with the principal at any time by contacting the office.
- 1.6 Gisborne Montessori School aims to address all complaints within 10 days of the complaint or grievance being raised.

#### **2 Informal concerns and complaints – guidelines for staff**

- 2.1 Staff must be familiar with the Complaints and Grievance Policy and the Parent Handbook.
- 2.2 Information about how to respond to a concern is included in the Staff Handbook.
- 2.3 Information about how to raise a concern is noted in this policy.
- 2.4 Staff must be clear about the process through which parents are guided to raise a concern.
- 2.5 The Staff Handbook sets out clear expectations as to the timeframe within which staff are required to respond. Parents should receive an acknowledgment of the concern within 48 hours even if it then takes longer to arrange a meeting or a phone call.
- 2.6 Staff are encouraged to resolve issues as quickly and as simply as possible without resorting to unnecessary process and bureaucracy:
  - where possible, the member of staff who receives the concern or complaint should deal with it themselves rather than escalate the matter.
  - some matters, however, need to be escalated and require a swift response.

Such matters are likely to include:

- anything to do with child safe standards that must be dealt with under the school's Child Safe Standards Policy;
- matters that allege misconduct, corruption or illegal behaviour;
- complaints against the principal or the governing board;
- privacy issues that must be dealt with under the school's Privacy Policy • legal issues and requests for compensation or payments; and,
- issues that have a wider school or systemic implication.

2.7 In principle, all complaints, even at this informal level, should be recorded in a file note and be retained as part of the school's records.

The Staff Handbook sets out the circumstances for which a written file note is a requirement.

- complaints that must be recorded might include those concerning:
  - the effectiveness of the teaching;
  - bullying;
  - a child's persistent unhappiness; or,
  - the quantity of work or homework.
  
- complaints that do not need to be recorded might include those concerning:
  - one-off communication breakdowns;
  - lost belongings (unless, for example, there is a concern it may be theft); or,
  - friendship relationships between students.



## **Appendix B**

### **Formal complaint procedure**

#### **1 Making a complaint**

- 1.1 Parents are asked to discuss any concerns with the class teacher or principal at an early stage so that the school can work together with parents to resolve these as promptly and efficiently as possible.
- 1.2 If the concern or complaint is not resolved to the satisfaction of the parties through the informal process, the formal complaints procedure may be followed as set out in this document.
- 1.3 The formal complaint should be made in writing using the formal complaints form and should be addressed to the principal.
- 1.4 If the complaint is in relation to the principal, the complaint should be made in writing using the formal complaints form and should be addressed to the Chair of the governing board.
- 1.5 Parents or staff may choose to make the complaint in person or by phone, in which case they are asked to make arrangements to meet or speak to the principal at a convenient time:
  - if parents or staff arrange to meet with the principal in person, they may choose to have someone to support them. The support person could be a relative or a friend but it is not appropriate for that person to be a legal representative.
  - if parents or staff 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
  - if parents or staff decide to make the complaint in person or by phone, the school may use the formal complaints form to record the complaint. The parents will be invited to review the completed form to confirm that the complaint has been accurately recorded.
- 1.6 It is helpful if the complaint is clearly identified before contacting the school:
  - if there is more than one problem, parents or staff are advised to list the issues concisely and clearly so that the extent of the problem is clear to the school.
  - if more than one parent or a set of parents raises the same or a substantially similar problem, each complaint will be managed separately.
- 1.7 Parents or staff are also asked to indicate how, if legal, possible and practicable, they 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 delegate or appoint an external advisor to investigate the issue. The delegate or advisor 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. The parents 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. The investigator's report is confidential to the school.

### **3 The complaints meeting**

- 3.1 The principal will normally chair the complaints meeting.
- 3.2 Parents or staff may choose to have someone to support them. The 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:
  - a clear description and understanding of the issue;
  - the claimed impact and whom it impacts;
  - what is claimed will happen if the issue is not resolved; and,
  - what action(s) is/are 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 the complaint is dismissed or that no further action should be taken.
- 4.2 In resolving the issue, the following steps should be followed:
  - a statement confirming that those involved consider the complaint (or an aspect of the complaint) is resolved;
  - how the complaint is resolved; and,
  - 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 (or dismissed), 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 parents or staff will be provided with a copy of the record of the complaint.
- 5.3 The following documentation will form the record of the complaint:
- the formal complaints form, whether completed by the complainant or by the school and confirmed by the parties;
  - a record of the complaints meeting and the steps followed as set out in Section 3.3;
  - a record of the resolution as set out in Section 4.2; and,
  - a record of the follow up meeting.
- 5.4 The management of these records will follow the school's Record Management Policy. Except where dictated otherwise by law, the school 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 governing board (in the case of a complaint made against the principal) as is appropriate.

## **6 Appeals**

- 6.1 If parents or staff believe that their complaint is not resolved or that the resolution is unsatisfactory, they may appeal the complaint to the governing board. The appeal procedure can be found in Appendix C.

## **7 Complaints to the governing board**

- 7.1 If the complaint is in relation to the principal, or the complainant is unsatisfied with the resolution offered by the principal, the complaint should be made in writing and be addressed to the Chair of the governing board.
- 7.2 The Chair will constitute a complaints sub-committee to deal with the issue. The composition of the committee will be decided by the Chair and approved by the full board.
- 7.3 The complaints committee, acting on behalf of the board as a whole, will decide how to proceed and will make recommendations for any action to resolve the matter to the whole board.
- 7.4 When a complaint is made to the governing board, the board's decision will be final.

## **Appendix C**

### **Outline complaints form**

- 1 Parent or staff details
  - 1.1 Title, first name, family name
  - 1.2 Address, phone number(s), email address.
  
- 2 Student details (if applicable)
  - 2.1 First name, family name
  - 2.2 Date of birth
  - 2.3 Class Name/Cycle
  - 2.4 Class Teacher
  
- 3 Details of the complaint
  - 3.1 Outline and specific details
  - 3.2 Chronology
  - 3.3 Details of relevant phone conversations/meetings
  - 3.4 How has the matter been raised informally? With whom? With what outcome or actions?
  
- 4 Resolution
  - 4.1 How could this matter be resolved?
  
- 5 Next steps
  - 5.1 Where to send the complaints form
  - 5.2 What to expect next, e.g. 'You will receive an acknowledgement within 48 hours that your complaint has been lodged. The acknowledgement will set out the next steps in responding to your complaint.'
  
- 6 Administration
  - 6.1 Form signed and dated
  - 6.2 School use: date form received, received by, date form acknowledged, acknowledged by.

## Gisborne Montessori Complaints Form

Name of person making complaint		
Address		Phone Number
		Email Address
Date complaint made		
Complaint made by	Telephone Letter / Email In Person	
Details of the complaint (attach extra sheets if more space is required)		
Resolution requested		
Form signed by (Name and signature)		
Date form received	Date form acknowledged	
Received by (name and title)	Acknowledged by (name and title)	



## Gisborne Montessori Follow Up

Written feedback given to the complainant Yes No	Date given
Actions to be Taken (attach extra sheets if more space is required)	
Signed (Principal)	
If outcome not resolved. Referred to	
Any other follow up required / comments / notes	

## **Appendix D**

### **Appeals within the complaints process**

#### **1 Making an appeal**

- 1.1 If parents or staff believe that their complaint is not resolved or that the resolution is unsatisfactory, they may appeal the complaint to the governing board.
- 1.2 The appeal must be made in writing within 14 days of finalising the complaint resolution and should be addressed to the Chair of the governing board.
- 1.3 The grounds for the appeal should be clearly identified. The grounds could include the following:
  - the complaints policy and procedures were not followed; or,
  - 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 Parents or staff are also asked to indicate how, if legal, possible and practicable, they would want the appeal to be resolved.

#### **2 Responding to the appeal**

- 2.1 The Chair will constitute an appeal sub-committee to deal with the issue. The composition of the committee will be decided by the Chair and approved by the full Board.
- 2.2 The appeal committee, acting on behalf of the Board as a whole, will decide how to proceed and will make recommendations for any action to resolve the matter to the whole 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 full board as to the actions required to resolve the issue.
- 2.5 The decisions of [the appeal committee / the governing 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 Parents and/or staff will be provided with a copy of the final decisions of the appeal.
- 3.3 The management of these records will follow the school's Record Management Policy. Except where dictated otherwise by law, the school will retain all records of appeals for a minimum of one year after the family, staff or student has left the school and then will be destroyed. The records will be kept secured by the principal or the governing board (in the case of a complaint made against the principal) as is appropriate.